

Portfolio Committee No. 6 – Planning and Environment

The music and arts economy in New South Wales

Ordered to be printed 15 November 2018.

New South Wales Parliamentary Library cataloguing-in-publication data:

New South Wales. Parliament. Legislative Council. Portfolio Committee No. 6 – Planning and Environment.

The music and arts economy in New South Wales / Portfolio Committee No. 6 – Planning and Environment [Sydney, N.S.W.] : the Committee, 2018. xx, 331 pages ; 30 cm. (Report no. 8 / Portfolio Committee No. 6 – Planning and Environment)

“November 2018”

Chair: Hon. Paul Green, MLC.

ISBN 9781922258649

1. Popular culture—Economic aspects—New South Wales.
2. Popular music—New South Wales.
3. Music—Performance—New South Wales.
4. Performing arts—New South Wales.
- I. Green, Paul.
- II. Title.
- III. Series: New South Wales. Parliament. Legislative Council. Portfolio Committee No. 6 – Planning and Environment. Report ; no. 8

781.639944 (DDC22)

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Terms of reference

That Portfolio Committee No. 6 - Planning and Environment inquire into and report on the music and arts economy in New South Wales, including regional New South Wales, and in particular:

- (a) progress on the implementation of the Government response to the New South Wales Night-Time Economy Roundtable Action Plan,
- (b) policies that could support a diverse and vibrant music and arts culture across New South Wales,
- (c) policies that could support the establishment and sustainability of permanent and temporary venue spaces for music and for the arts,
- (d) policy and legislation in other jurisdictions, and options for New South Wales including red tape reduction and funding options, and
- (e) any other related matter.

The terms of reference were referred to the committee by the Legislative Council on 23 November 2018.¹

¹ *Minutes*, NSW Legislative Council, 23 November 2017, p 2233.

Committee details

Committee members

The Hon Paul Green MLC	Christian Democratic Party	<i>Chair</i>
The Hon Shayne Mallard MLC	Liberal Party	<i>Deputy Chair</i>
The Hon Catherine Cusack MLC*	Liberal Party	
The Hon John Graham MLC*	Australian Labor Party	
The Hon Taylor Martin MLC*	Liberal Party	
The Hon Penny Sharpe MLC	Australian Labor Party	
Ms Dawn Walker MLC*	The Greens	

* The Hon Catherine Cusack MLC is substituting for the Hon Matthew Mason-Cox for the duration of the inquiry.

* The Hon John Graham MLC is substituting for the Hon Ernest Wong MLC for the duration of the inquiry.

* The Hon Taylor Martin MLC replaced the Hon Lou Amato MLC as a substantive member of the committee from 30 November 2017.

* Ms Dawn Walker is substituting for Mr Jeremy Buckingham for the duration of the inquiry.

Contact details

Website	www.parliament.nsw.gov.au
Email	portfoliocommittee6@parliament.nsw.gov.au
Telephone	(02) 9230 3368

Chair's foreword

Music, particularly contemporary music, continues to play a vital role in the economic and social vitality of New South Wales. However, this sector has traditionally been neglected by governments, and as a result the contemporary music ecosystem in New South Wales appears to be slowly disintegrating.

This is disappointing as there is significant economic benefit in the performance of live music. New South Wales has the largest share of Australia's contemporary music activity. In 2016, the state generated the highest share of contemporary music revenue at \$157.6 million and 1.91 million people attended contemporary music performances. In fact, the committee received evidence that in 2014, live music making in Australia enabled at least \$15.7 billion worth of physical, human, social and symbolic capital in individuals firms and communities benefits across the community. Recently, ARIA asserted that Australia's music industry has the potential to achieve a five per cent share of the global music market and our committee wants much of this new music to come from New South Wales to ensure that our stories and experiences are shared around the globe.

While there are many recommendations, I personally think that its time the NSW Government give music the attention it deserves given its importance to the state's economy, so, the committee has recommended that the Premier appoint a Minister for Music, the Arts and Culture in place of the Minister for the Arts, or appoint a Minister for Music in addition to the Minister for the Arts.

The committee acknowledges the hard work and dedication of the many artists who gave evidence during the inquiry, particularly their arguments supporting fair pay and the need for more live performance opportunities. The committee extends its appreciation to Ms Brooke McClymont (The McClymonts), Ms Carlyne Morris, Client Liaison (Mr Monte Morgan and Mr Harvey Miller), Mr Dave Faulkner (Hoodoo Gurus), Mr Grant Walmsley (The Screaming Jets), Ms Ilona Harker, Ms Isabella Manfredi (The Preatures), Mr Jack Lincoln, KLP (Ms Kristy Lee Peters), Ms Renee Simone, Mr Scott Baldwin (The Rubens), Set Mo (Mr Nicholas Drabble and Mr Stuart Turner), Mr Spencer Scott, and Urthboy (Mr Tim Levinson).

The evidence provided by these artists, as well as industry organisations and local councils, led the committee to make significant recommendations that will revitalise the sector, including that the NSW Government substantially increase funding for arts and contemporary music of at least \$35 million over the next four years of forward estimates. The committee has also made recommendations to cut red tape and develop a one-stop-shop for licensing and planning queries for live music venues. In addition, the committee recommended that Create NSW immediately release the Contemporary Music Strategy.

A key complexity of this industry is that it crosses various portfolios and all levels of government. For example, we heard that current planning, liquor licensing and noise provisions simply make it too difficult for small-medium venues to provide live music. This has led to New South Wales being in the midst of a live music venue crisis with venues permanently closing down across the state, particularly in Sydney. This situation is having a devastating effect on career pathways for young musicians, destroying the touring network, adversely affecting Sydney's cultural reputation, and taking a toll on visitor experiences.

The committee has made numerous recommendations to simplify the regulatory system, including that the NSW Government review aspects of planning provisions, introduce a New South Wales variation to the National Construction Code that assesses venues according to retail rather than theatre specifications for the purposes of building compliance, and that the NSW Government revise definitions in the Standard Instrument – Principal Local Environmental Plan to provide the greatest level of flexibility to allow cultural activities across all relevant zones. The committee has also recommended that the NSW

Government take action to remove outdated liquor licensing conditions that seek to prohibit or restrict live entertainment.

The committee also recognises that there is a 'battle for space' in urban areas, particularly Sydney. Urbanisation, housing affordability and cost of transport is pushing artists and creative spaces outside of city-centres. Moreover, the increasing density of our cities and towns has caused growing concerns about noise complaints from residents in close proximity to venues such as pubs, hotels, clubs and churches. Stakeholders encouraged the committee to consider opportunities to address these concerns. To this end, we have made recommendations to introduce a hybrid planning model that incorporates Victoria's agent of change approach, along with the planned precinct approach adopted in Brisbane, and to simply noise complaint mechanisms.

In December 2016, the government acknowledged the synergy between the night-time and even arts and culture economies and established the Sydney Night-Time Economy Taskforce. However, the committee believes the taskforce has been ineffective; its failure to meet most of the deadlines has left the industry to languish. The committee has recommended that the Department of Premier and Cabinet take responsibility for the taskforce to bring the necessary urgency and oversight to the work being undertaken.

This report also examines inquiry participants' concerns about the detrimental effect that gaming machines have on live music. Liquor & Gaming NSW reported the from 1 December 2017- 31 May 2018, gaming machines in clubs generated approximately \$1,945,161,625 in net profit.² We did not receive evidence regarding the gaming machine revenue generated in hotels.

Towards the end of the inquiry, the committee was able to ascertain that in 2016-2017, gaming machine tax contributed approximately \$13,212,652 to the Clubgrants Category 3 Fund, and that approximately \$12.5 million of this was awarded in grants to the following community infrastructure projects:

- \$2.5 million to arts and culture
- \$8 million to sport and recreation
- \$2 million to emergency preparedness.

While clubs additionally contributed more than \$107 million to Clubgrants Category 1 and Category 2 in 2016-2017 which was used to fund community activities, the *Clubgrants Guidelines* for Category 2 specifically disallow using funds for 'professional entertainers and entertainment provided for club patrons and used for the purpose of directly promoting activities associated with the trading operations of the club'.³

Following on, the committee believes that gaming machine revenue could be directed to better support live cultural performances and has recommended that the NSW Government establish a community benefit fund using gaming machine revenue to support live music.

We note the importance of commercial and community radio in developing and sustaining a musician's career. Moreover, the committee acknowledges the increasing significance of streaming services and encourages these corporations to provide greater transparency around their operations and what actions they are taking to foster and support Australian artists.

² Liquor & Gaming NSW, Clubs - Gaming machine report by LGA - 1 December 2017 to 31 May 2018, 28 September 2018, <https://www.liquorandgaming.nsw.gov.au/Pages/gaming/community-involvement/Gaming-machine-data-reports.aspx>.

³ *ClubGRANTS, Guidelines*, November 2012, p 7

Sydney is the gateway to Australia for international and domestic tourists and not having a vibrant music industry will cost us greatly and bring embarrassment to our beautiful global city. New South Wales should be the head and not the tail of all things music in Australia. To neglect the music industry any further in New South Wales is at our own peril!

Hon Paul Green MLC
Committee Chair

Findings

Finding 1**11**

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.

Finding 2**26**

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.

Finding 3**34**

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.

Finding 4**54**

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.

Recommendations

- Recommendation 1** 12
That the Premier appoint a Minister for Music, the Arts and Culture in place of the Minister for the Arts, or appoint a Minister for Music in addition to the Minister for the Arts.
- Recommendation 2** 20
That Create NSW employ at least one senior ongoing full-time contemporary music specialist, and that this role be responsible for consulting with industry and administering funding for contemporary music programs.
- Recommendation 3** 20
That the NSW Government, through Create NSW, fund MusicNSW to establish a Music Development Office.
- Recommendation 4** 25
That Create NSW immediately complete and release its strategic plan for contemporary music.
- Recommendation 5** 26
That Create NSW develop specific funding programs for Indigenous musicians.
- Recommendation 6** 26
That Create NSW fund Music NSW to develop and implement, in conjunction with music industry stakeholders and Destination NSW, a marketing campaign that encourages people to attend live music gigs and events.
- Recommendation 7** 27
That the NSW Government match funding, per capita, for contemporary music with that of the Victorian Government over the next four years.
- Recommendation 8** 27
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 9** 27
That as a part of a contemporary music strategy, the allocation of funding should be determined by music industry organisations, with appropriate oversight from Create NSW.
- Recommendation 10** 27
That as a part of a contemporary music strategy, Create NSW contribute appropriate funding to Sounds Australia to support the export of music from New South Wales.
- Recommendation 11** 28
That Create NSW establish and convene a Live Music Roundtable in New South Wales, based on the Victorian model, that includes key government agencies and music industry stakeholders.

- Recommendation 12** 30
That Create NSW lobby its Commonwealth counterparts to reinstate funding to the Live Music Office in recognition of its excellent work.
- Recommendation 13** 30
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 14** 40
That Create NSW fund MusicNSW to conduct a live music venue census every two years.
- Recommendation 15** 41
That Create NSW and the Cultural Infrastructure Program Management Office reflect on the factors that contributed to the closure of The Basement and consider opportunities to support and enhance Sydney's small to medium sized venues.
- Recommendation 16** 41
That the NSW Department of Planning and Environment investigate the viability of identifying New South Wales live music venues as 'assets of community value', similar to the approach taken in London.
- Recommendation 17** 50
That Create NSW fund MusicNSW to support a New South Wales Music Crawl and take music industry professionals into regional areas to showcase regional venues, artists and local industry.
- Recommendation 18** 50
That Create NSW fund MusicNSW to engage Regional Music Champions to support the revitalisation of New South Wales' regional live music scene.
- Recommendation 19** 52
That Create NSW partner with local governments to facilitate music-based youth venues across the state that include 'plug and play' infrastructure, like the City of Sydney's new music room at the Green Square Library.
- Recommendation 20** 52
That Create NSW work with MusicNSW to investigate opportunities to promote all-ages gigs across New South Wales.
- Recommendation 21** 57
That the NSW Government develop a community benefit fund, similar to the fund operating in South Australia, that uses the revenue from gaming machines to support the live music industry.
- Recommendation 22** 61
That the NSW Government, in consultation with local government, identify existing rehearsal spaces in Sydney and develop a program of grants via local government to increase the accessibility of those spaces for musicians either through rental subsidies or the expansion of rehearsal spaces.
- Recommendation 23** 61
That the Cultural Infrastructure Program Management Office make 'adaptive reuse and or regeneration' an eligible activity under the guidelines of the Regional Cultural Fund for the next

three years and provide funding for upgrades to existing buildings to meet access, fire and safety requirements.

- Recommendation 24** **61**
That the NSW Government provide additional funding to local councils to adapt current building stock to include 'plug and play' facilities.
- Recommendation 25** **82**
That the Department of Premier and Cabinet assume responsibility for policy related to supporting and enhancing the night-time economy, including coordination of the Sydney Night-Time Economy Taskforce.
- Recommendation 26** **82**
That the NSW Government complete and publish the night-time economy master plan by no later than December 2018.
- Recommendation 27** **93**
That Create NSW support and adopt an industry code of conduct that is developed and endorsed by the Media Entertainment Alliance and the music industry, and that includes an outline of the minimum hourly rate requirements.
- Recommendation 28** **93**
That when NSW Government funding is being applied to the sector, that in principle a minimum payment threshold set out in the Industry code of conduct be applied.
- Recommendation 29** **93**
That Create NSW fund MusicNSW to, in collaboration with the music industry, conduct a public awareness campaign to inform musicians and venue operators of their rights and responsibilities in relation to pay and performance conditions.
- Recommendation 30** **94**
That the NSW Government provide appropriate on-going funding to Support Act to facilitate their work in supporting musicians and music industry workers, particularly in regards to their mental health.
- Recommendation 31** **94**
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.
- Recommendation 32** **98**
That the NSW Department of Education and Training investigate opportunities to give prominence to music education in curriculums, and improve training for music teachers.
- Recommendation 33** **98**
That Create NSW investigate opportunities to better support young people to engage in cultural activities, particularly music.

- Recommendation 34** 98
That the Cultural Infrastructure Program Management Office provide funding to ensure that regional conservatoriums are fit for purpose.
- Recommendation 35** 110
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.
- Recommendation 36** 111
That the NSW Government revise definitions in the Standard Instrument – Principal Local Environmental Plan to provide the greatest level of flexibility to allow cultural activities across all relevant zones.
- Recommendation 37** 111
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.
- Recommendation 38** 120
That Create NSW engage with local government through the NTE Councils' Committee (NTECC), on how State and Local Government can collaborate to support the development of more music, arts, creative and theatre spaces to grow our cultural infrastructure.
- Recommendation 39** 121
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.
- Recommendation 40** 121
That the NSW Department of Planning and Environment introduce exempt and complying development for low impact entertainment.
- Recommendation 41** 124
That the NSW Government investigate options for a cultural hub that co-locates the Music Development Office, contemporary music organisations and businesses, rehearsal and performance space, community radio, writing and recording studios and a youth venue in Inner Sydney.
- Recommendation 42** 124
That the NSW Government consider the state significant nature of the Sydenham Creative Hub proposal if the Inner West Council continues to refuse approval.

- Recommendation 43** **133**
 That the NSW Government review and amend liquor legislation to remove outdated conditions for liquor licences and development applications that place unnecessary restrictions on certain entertainment live music venues, such as prohibiting music genres or specific musical instruments.
- Recommendation 44** **133**
 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 45** **133**
 That the NSW Government ensure that security requirements for licensed venues be evidence-based.
- Recommendation 46** **133**
 That Liquor & Gaming NSW allow an individual licensing condition to be reviewed in isolation of other licensing conditions.
- Recommendation 47** **139**
 That, as a matter of priority, the NSW Government remove the duplication of regulatory and compliance responsibilities from multiple government agencies and local government.
- Recommendation 48** **139**
 That Liquor and Gaming NSW and the NSW Department of Planning and Environment collaborate with the music industry to develop an 'Easy to Do Culture' initiative, similar to the 'Easy to Do Business' initiative, pursued by Service NSW, which:
- combines the development consent and licensing requirements for cultural venues, particularly live music venues
 - establishes a single point of contact, such as a help desk or online platform, to deliver case management services for live music venues, including assistance in navigating the planning, building assessment and liquor licensing system, and providing a collaborative and coordinated process to assist in preparing applications
 - develops an integrated application process for liquor licensing and development applications that removes duplication in processes
 - makes available real time tracking of licensing applications on the appropriate website.
- Recommendation 49** **144**
 That the NSW Government introduce live music venue liquor licences.
- Recommendation 50** **155**
 That the NSW Government amend the *Protection of the Environment Operations Act 1997* to include an objective test for 'offensive noise' from licensed venues.
- Recommendation 51** **156**
 That the NSW Government fund Create NSW to provide grants of up to \$25,000 to assist live music venues to install noise attenuation measures.

- Recommendation 52** **156**
That, as part of the noise management study being undertaken by the NSW Department of Planning and Environment, the government give consideration to establishing a one stop shop for noise regulation. This may be achieved by either removing or referring regulatory and compliance responsibilities for noise from licences venues, and establishing Liquor & Gaming NSW as the lead agency.
- Recommendation 53** **173**
That the NSW Department of Planning and Environment should ensure that the outstanding planning application is determined by the end of 2018.
- Recommendation 54** **174**
That the NSW Government continue to fund and expand the Live and Local Micro Festival Strategic Initiative delivered by the Live Music Office.
- Recommendation 55** **174**
That the NSW Government increase funding to the Sydney Fringe Festival, noting that the Melbourne Fringe Festival receives \$367,000 per annum.
- Recommendation 56** **174**
That the NSW Government, in collaboration with the City of Sydney, investigate and identify a possible permanent festival site in Inner Sydney.
- Recommendation 57** **181**
That the NSW Government allocate funding to community radio stations in New South Wales to foster new music and meet the costs of building suitable broadcast infrastructure, either under a new community radio grants scheme or as part of the contemporary music funding package recommended at Recommendation 8.
- Recommendation 58** **181**
That the NSW Government investigate opportunities to amend advertising guidelines to encourage government advertising on community radio stations, where appropriate.
- Recommendation 59** **186**
That Create NSW collaborate with Spotify to develop and implement workshops for New South Wales artists to better understand how to use streaming services to assist them to promote their music, reach new fans and utilise streaming data to identify the geographic areas where their fans are most concentrated.
- Recommendation 60** **186**
That Create NSW collaborate with its Commonwealth counterparts to determine the viability of introducing a voluntary 25 per cent Australian content quota for locally curated playlists on streaming services.

Conduct of inquiry

The terms of reference for the inquiry were referred to the committee by the Legislative Council on 23 November 2017.

The committee received 437 submissions and eight supplementary submissions.

The committee held 11 public hearings: five at Parliament House in Sydney, one in Wollongong, Bryon Bay, Newcastle and Tamworth, and two in Melbourne.

The committee also conducted 19 site visits.

Inquiry related documents are available on the committee's website, including submissions, hearing transcripts, tabled documents and answers to questions on notice.

Chapter 1 An overview of the music and arts and night-time economies in New South Wales

This chapter provides an overview of the music and arts economy in New South Wales; the role of the lead government agency, Create NSW; and a snapshot of the night-time economy in New South Wales and, in particular, Sydney.

The music and arts economy

- 1.1** In accordance with the Create NSW *Arts and Cultural Development Program Guidelines*, the NSW Government defines arts as including (but not limited to): community arts and cultural development; dance; digital arts; literature; multi artform; Aboriginal arts; music (including opera and musical theatre); theatre (including circus and physical theatre); and visual arts (including craft and design).⁴
- 1.2** For the purposes of this inquiry, the committee has prioritised the consideration of policies and other government measures to support music, particularly contemporary music. However, the following commentary provides an overview of the broader music and arts economy, its symbiotic relationship with the night-time economy and the role of the lead agency in this space.
- 1.3** The NSW Government described New South Wales as having the 'largest, most dynamic and most diverse creative economy in Australia'⁵ and advised that the arts, screen and cultural sector makes a significant economic contribution to New South Wales, including:
- in 2015-2016, 15.4 million people visited cultural venues in New South Wales⁶
 - approximately 40 per cent of Australia's 48,000 practicing professional artists live in the state
 - in 2016-2017, the sector contributed almost \$16.3 billion to gross state product
 - approximately 19,000 businesses are in the market, creating a total of 120,000 full-time equivalent jobs
 - 12.3 million international and domestic cultural and heritage visitors visited the state in the year ending December 2016 and spent an estimated \$12 billion.⁷
- 1.4** The NSW Government observed that art helps foster community participation, and intergenerational and cultural exchange which is particularly important for priority populations such as Aboriginal people, culturally and linguistically diverse communities, young people, older people and people with disability.⁸

⁴ Submission 385a, NSW Government, p 2.

⁵ Submission 385a, NSW Government, p 4.

⁶ Submission 385, NSW Government, p 3.

⁷ Submission 385a, NSW Government, p 3.

⁸ Submission 385a, NSW Government, pp 3-4.

- 1.5 The committee heard that the music and arts ecosystem in New South Wales is rich and diverse. Many inquiry participants noted the organic nature of this system and encouraged its creativity while also advocating for targeted, coordinated government support to ensure the industry continues to flourish.⁹ For example, Mr Ben Marshall, Head—Contemporary Music at the Sydney Opera House, stated:

Creating the right conditions for art to thrive is ... a careful balance of control and surrender and a mix of many factors: affordability of living, patrons with money supporting up and coming artists, unused spaces that can be organically adapted for artistic purposes, the density of physical interaction between artists and their audiences, the availability of part-time or casual work for artists to fund their creative activities until they become self-sufficient, media who want to engage with art, urban planning rules, public transport, among many other factors.¹⁰

- 1.6 Inquiry participants emphasised the fluid nature and interconnectedness of this ecosystem and encouraged efforts to support greater connectivity and awareness about the diversity of this sector.¹¹

Create NSW

- 1.7 Create NSW advised that it is 'the NSW Government's arts and cultural driver'. Arts, screen and culture, and cultural infrastructure fall under the purview of the agency, which sits within the NSW Department of Planning and Environment.¹²
- 1.8 Create NSW is responsible for ensuring arts and culture in New South Wales is '... bold and exciting ... engages the community, supports innovation, facilitates economic development, and reflects the state's rich diversity'.¹³

Government action to support the music and arts economy

- 1.9 This section summarises some of the key initiatives the government advised the committee it has undertaken in support of the broader music and arts economy.
- 1.10 In February 2015, the NSW Government launched *Create in NSW: NSW Arts and Cultural Policy Framework*, a 10-year plan to support the development of arts and culture across New South Wales. *Create in NSW* supports a diverse and vibrant arts and music culture by:
- supporting contemporary arts practice through the Arts and Cultural Development Program (ACDP)

⁹ See, Evidence, Ms Penelope Benton, General Manager, National Association for the Visual Arts, 28 May 2018, p 42; Submission 380, MusicNSW, p 2.

¹⁰ Evidence, Mr Ben Marshall, Head—Contemporary Music, Sydney Opera House, 14 September 2018, p 35.

¹¹ See, Submission 205, Sydney Opera House, p 3; Submission 236, Regional Arts NSW, p 3.

¹² Create NSW, *About Us*, <https://www.create.nsw.gov.au/category/about-us/>.

¹³ Create NSW, *About Us*, <https://www.create.nsw.gov.au/category/about-us/>.

- promoting opportunities for arts and cultural tourism through Destination Management Planning, in consultation with the Regional Arts Network and Destination NSW
- increasing access to the collections of State Cultural Institutions through loans and programming by extending partnerships with arts and cultural organisations in western Sydney and regional New South Wales
- working together with state government agencies and local councils to develop policy and regulatory settings to support continued growth of live music.¹⁴

1.11 The NSW Government advised that other initiatives that promote and support cultural engagement included: investing in major performing arts organisations; implementing the *Aboriginal Arts and Cultural Strategy: Connection, Culture, Pathways 2015–2018*; investing in major events, such as Vivid; and in major and regionals festivals.¹⁵

1.12 Following on, Create NSW informed the committee that in 2018, the government committed over \$639 million to support arts and culture in New South Wales.¹⁶ Funding for contemporary music is examined in Chapter 3.

1.13 In 2018, the NSW Government launched its *Cultural Infrastructure Action Plan*. Create NSW said: The plan '... deliver[s] a strategic, long-term and secure approach to investment in cultural infrastructure and help develop distinctive cultural infrastructure and precincts that support creativity, participation and jobs growth'.¹⁷

1.14 Moreover, the government is investing in the construction and maintenance of culture infrastructure across the state. For example, in 2017-18, the government intended to invest \$222 million on major cultural infrastructure projects:

In 2017-18, the NSW Government is investing \$222 million in major cultural infrastructure projects, part of an \$879 million suite of investments to rejuvenate cultural infrastructure ... The NSW Government will also be ensuring that investment in infrastructure is shared across the state in all areas including Western Sydney and regional NSW.¹⁸

1.15 Revitalisation activities undertaken by the government have included:

- supporting the upgrade to the Walsh Bay Arts and Cultural Precinct
- committing \$228 million to the renewal of the Sydney Opera House, and \$244 million to the Art Gallery of New South Wales for the Sydney Modern Project
- enhancing urban regeneration with arts programming and activation

¹⁴ Submission 385a, NSW Government p 11.

¹⁵ Submission 385a, NSW Government p 11-18.

¹⁶ Evidence, Mr Tarek Barakat, Director of Strategic Policy, Research and Projects, Create NSW, 26 March 2018, p 2.

¹⁷ Answers to supplementary questions on notice, Create NSW, 2 May, p 4.

¹⁸ Submission 385a, NSW Government p 18.

- delivering Making Spaces, an initiative that encourages property owners and managers to offer new or unused spaces for making and programming cultural activity.¹⁹

1.16 Additionally, in June 2017, the government established the Regional Cultural Fund. This fund, directed by the Cultural Infrastructure Program Management Office (CIPMO), will invest \$100 million over four years to drive growth in arts, screen and culture in regional New South Wales.²⁰

1.17 Cultural infrastructure, particularly live music venues, is examined further in Chapter 5.

The night-time economy

1.18 The night-time economy involves social, cultural and business activities that take place from 6pm-6am. The NSW Government broadly defined the night-time economy as leisure, study and work activities that take place outside of a person's residence after 6pm:

A wide range of services that meet the leisure, study and work interests and the wellbeing of visitors and residents seeking to use its various attractions. This involves social, economic and cultural activities that take place from 6pm including retail, theatre, film, art, education, employment, restaurants, hotels, clubs, cafes, small bars, markets, sport, live music, concerts, festivals and other events. It also involves day-to-day activities for residents; and getting to, from and around the precincts.²¹

1.19 From this definition provided it can be deduced that there is a deep symbiotic relationship between the night-time and music and arts economy.

1.20 In September 2018, research commissioned by the Council of Capital City Lord Mayors entitled *Measuring the Australian Night Time Economy 2016-17*, reported that New South Wales has the largest core night-time economy in Australia. The report found that in 2017, the New South Wales core night-time economy included: 36,196 night-time economy establishments; employed 329,355 people; and turned over \$38,656 million.²²

1.21 However, the same report noted that while the New South Wales sector is growing, it is doing so at a slower rate than that of other states.²³

Sydney's night-time economy

1.22 *Measuring the Australian Night Time Economy 2016-17* also included data on Sydney's night-time economy. The report found that in 2017, the Sydney core night-time economy included: 4,872 establishments; employed 35,580 people; and turned over \$4,059 million.²⁴

¹⁹ Submission 385a, NSW Government pp 18-19.

²⁰ Submission 385a, NSW Government p 11.

²¹ NSW Government, *Outcomes Report – Sydney Night-Time Economy Roundtable* (2016), p 3.

²² Ingenium Research, *Measuring the Australian Night Time Economy 2016-17* (2018), p 7.

²³ Ingenium Research, *Measuring the Australian Night Time Economy 2016-17* (2018), p 7.

²⁴ Ingenium Research, *Measuring the Australian Night Time Economy 2016-17* (2018), p 13.

- 1.23** The report noted: 'Sydney has the strongest and most concentrated NTE [night-time economy] in Australia, with over 180 Core NTE establishments per km²'.²⁵ Additionally, the number of night-time establishments, and food and drink venues had increased since 2016-2017.²⁶ The report explained that: 'This growth comes off the back of decline between 2014 and 2015 (-8 per cent) following the introduction of the lockouts in February 2014'.²⁷ The lockout laws are discussed further below and in Chapters 2 and 5.
- 1.24** The night-time economy plays a central role in the arts and music ecosystem, with many venues operating during this period. Much of the evidence received from stakeholders focused on Sydney's night-time economy, or lack thereof. The dominant themes of evidence received included:
- the introduction of the lockout laws were a 'sledgehammer' to the city's night-life and have resulted in the closure of live music venues²⁸
 - the perception of Sydney as a vibrant night-time economy has been replaced by the 'negative narrative of an out-of-control night-time'²⁹
 - pubs, nightclubs and late-night bars have become the 'pariah of communities and the scapegoat of the media'³⁰
 - Sydney is not a 24-hour city and does not harness the potential of its 'extraordinary cultural assets'³¹
 - residents are dissatisfied with the city's eating, drinking and entertainment options, the lack of cultural activities, and the cost of living³²
 - tourists are deterred from visiting Sydney due to the lack of suitable night-time activities³³
 - there is a lack of late-night transport options.³⁴
- 1.25** Mr Michael Rose, Chair of the Committee for Sydney, argued that if Sydney fails to become a 24-hour city, such failure will have serious economic and social ramifications for Sydney's competitive capacity, particularly with respect to retaining and recruiting talent and investment, and amenity.³⁵ In March 2018, the Committee for Sydney, described as 'an independent think tank and champion for the whole of Sydney',³⁶ released *Sydney As A 24-Hour City*, a report

²⁵ Ingenium Research, *Measuring the Australian Night Time Economy 2016-17* (2018), p 13.

²⁶ Ingenium Research, *Measuring the Australian Night Time Economy 2016-17* (2018), p 13.

²⁷ Ingenium Research, *Measuring the Australian Night Time Economy 2016-17*, 2018, p 13, Ingenium Research, *Measuring the Australian Night Time Economy 2016-17* (2018), p 13.

²⁸ Evidence, Ms Justine Baker, Chief Executive Officer, Solotel, 26 March 2018, p 39.

²⁹ Evidence, Ms Baker, 26 March 2018, p 39.

³⁰ Evidence, Ms Baker, 26 March 2018, p 39.

³¹ Evidence, Mr Michael Rose, Chair, Committee for Sydney, 26 March 2018, p 49.

³² Submission 258, Time Out Australia, p 1.

³³ Evidence, Mr Rose, Chair, 26 March 2018, p 48.

³⁴ Evidence, Mr Rose, 26 March 2018, p 49.

³⁵ Evidence, Mr Rose, 26 March 2018, p 47.

³⁶ The Committee for Sydney, *About Us*, <http://www.sydney.org.au/who-we-are/about-us/>.

examining opportunities to better facilitate Sydney's night-time economy. The case study discusses some of its findings and recommendations.

Case study: *Sydney As A 24-Hour City*³⁷

In May 2017, the Committee for Sydney established a Commission on the Night-time Economy in Greater Sydney. The primary objective of the commission was to explore and define the economic, social, cultural and civic potential of Greater Sydney—not just Sydney City—as a 24-hour city. In March 2018, the Committee for Sydney released *Sydney As A 24-Hour City*, which was informed by the commission's research.

The report included research from a survey of 1,000 Greater Sydney residents about their perception of Sydney's night-time economy. The survey found that only 46 per cent of respondents were satisfied with Sydney's night-time leisure and entertainment offerings. The results indicated that respondents aspired for more night-time shopping, dining, cultural and sporting options. Moreover, the survey identified support for more late night public transport options.

The report found that: In some parts of Sydney after 11 pm, 74 per cent of visitors are aged 15-30 years, and options are often limited to drinking, takeaway food or convenience stores. Typically, only 6 per cent of people in the city after 11 pm are over 40 and other options must be provided to attract different demographics.

The commission also worked with Mastercard to review night-time spending in Sydney, and benchmarked its findings against eight other global cities. This data revealed that Sydney has room to grow in comparison with other key global cities: for example, 36 per cent of spending in Berlin happens after 6 pm, compared to 23 per cent in Sydney, and Sydney's spend on live performance and entertainment pales in comparison to that of London. The data also demonstrated that there are postcodes in Sydney, within strong performing regions, showing little night spend activity at present, which have potential to grow their night-time economy.

The report recognised that there was 'no silver bullet' to address all of the issues with Sydney's night-time economy, but emphasised that a successful night-time economy requires the coordination of multiple agencies and actors, effective planning and good governance and regulation.

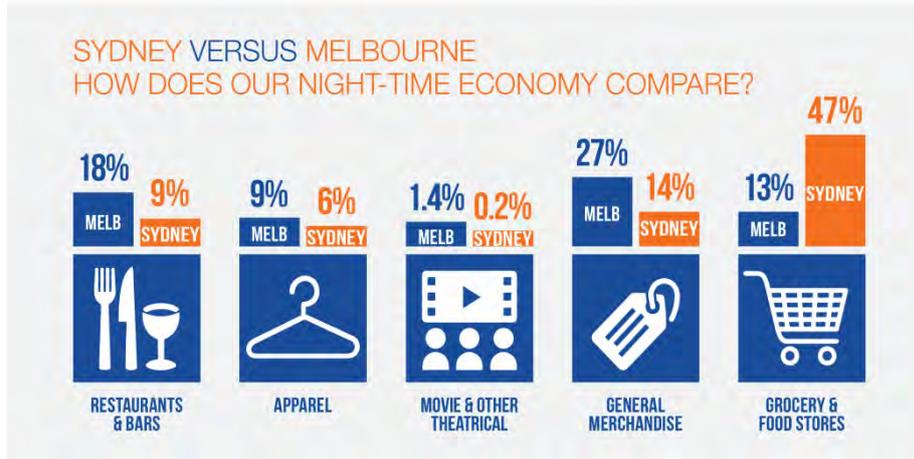
Key recommendations included:

- offering late-night access to arts and cultural institutions on certain days, all year round
- encouraging partnerships between the property and arts and culture sectors to showcase temporary public exhibitions and activate underused land or buildings
- extending late night shopping hours in major regional centres
- making the Department of Premier and Cabinet responsible for the night-time economy
- introducing a coordinating figure, such as a Night Czar, to coordinate the various agencies and actors in the night-time economy.
- ongoing evaluation by NSW Government into the impact of 'relaxations' of the lockout laws
- examining the introduction of Amsterdam-style 'planned districts' for areas with dense and diverse night-time activities
- trialing extra public transport services for major night-time precincts
- amending planning controls to better facilitate music and arts performances

³⁷ See, Committee for Sydney, *Sydney As A 24-Hour City* (2018).

- extending existing promotional guides to produce a guide to night-time activities to market and promote Sydney to regional and international visitors.

Figure 1 Sydney versus Melbourne – How does our night-time economy compare?



Committee for Sydney, Sydney As A 24-Hour City, (2018) p 15.

Figure 2 How does Sydney compare to other global cities?



Committee for Sydney, Sydney As A 24-Hour City, (2018) p 15.

1.26 Inquiry participants advocated for immediate action to address the apparent lack of vibrancy afflicting Sydney's night-time economy. For example, the National Association for the Visual Arts stated:

For a city that prides itself on its national and global reputation as a place of innovation and sophistication, Sydney's alarming drop in liveability and cultural attraction is cause for great concern. Responsible, confident policy must be enacted as a matter of urgency to prevent further cultural decline and economic devastation.³⁸

Music, the arts, the night-time economy and government

1.27 Councillor Jess Scully, City of Sydney, told the committee that the NSW Government has traditionally taken a 'fragmented', often siloed approach to music and the arts and the night-time economy.³⁹ This was supported by a number of inquiry participants, particularly those organisations connected with the music industry.

1.28 For example, the Live Music Office stated: 'Whilst there has been much better dialogue in the last couple of years, there has been a practice of little communication or collaboration between NSW agencies, between levels of government, or between government and industry'.⁴⁰

1.29 APRA AMCOS concurred, describing the government's approach to music and the arts as 'combative rather than strategically developmental, nurturing or collaborative'. APRA AMCOS observed that: 'unless there is a serious State Government strategy to address this issue across the board—that is, people operating in silos—the messaging is lost across agencies and departments'.⁴¹

1.30 According to stakeholders, these concerns are further compounded by the complex regulatory environment for venues that cultural activities.⁴² The Live Music Office said: 'This complex policy environment and lack of communication has resulted in misaligned policy and regulation overlap that increases red tape for industry, erodes business confidence and challenges NSW's contribution to the wider music industry and community'.⁴³

1.31 The NSW Government advised that it has recognised the need to better support and enhance the night-time economy. Key to this was the establishment of a Sydney Night-Time Economy Roundtable to examine measures to improve the viability and safety of Sydney's night-time economy. The work undertaken through the Roundtable and the actions implemented by the Taskforce subsequently appointed by the government are set out in detail in the following chapter.

³⁸ Submission 247, National Association for the Visual Arts, p 2. Also see, Evidence, Mr Michael Rodrigues, Managing Director, Time Out Australia, 26 March 2018, p 39.

³⁹ Evidence, Cllr Jess Scully, Councillor, City of Sydney, 26 March 2018, p 16.

⁴⁰ Submission 283, Live Music Office, p 4.

⁴¹ Evidence, Mr Dean Ormston, Chief Executive Officer, APRA AMCOS, 26 March 2018, p 32.

⁴² See, Evidence, Mr Rose, Chair, 26 March 2018, p 46.

⁴³ Submission 283, Live Music Office, p 4.

Chapter 2 The potential of contemporary music in New South Wales

This chapter examines the contemporary music sector in New South Wales, including its significant contribution to the economy, and stakeholders' concerns about the fractured music ecosystem. The chapter also considers contemporary music funding and programs in other jurisdictions, specifically Victoria and South Australia, analysing the approach taken by the NSW Government, including the need for a contemporary music strategic plan and increased funding for the sector. The chapter concludes with a discussion about the role of industry organisations, particularly the Live Music Office and MusicNSW.

The economic contribution of contemporary music

- 2.1** A great deal of evidence received during this inquiry focused on the contemporary music industry.⁴⁴ MusicNSW defined contemporary music as 'music that is happening now, created now, performed now'.⁴⁵
- 2.2** Stakeholders noted that in 2017, the PwC report *The Economic Contribution of Australia's Copyright Industries 2002-2016* commissioned on behalf of the Australian Copyright Council found that:
- in 2016, the Australian music industry (including theatrical productions) contributed approximately \$10.554 billion to the Australian economy, and employed 92,379 people
 - Australia is the seventh largest recorded music market in the world in absolute value and even higher on a per-capita basis
 - the music industry employed 92,379 people nationally.⁴⁶
- 2.3** Mr Dean Ormston, Chief Executive Officer of APRA AMCOS, observed that at a macro level the contemporary music sector is performing well with significant increases in licensing revenue both in Australia and overseas.⁴⁷ In October 2018, APRA AMCOS, the music rights organisation representing over 95,000 members, released its 2018 Year in Review which noted that the organisation had had a 'record breaking year'.⁴⁸ Key findings included:
- Group revenue of \$420.2 million surpasses the \$400m milestone for the first time
 - Total royalties payable to songwriters, publishers and affiliated societies (net distributable revenue) \$362.8m, 8.2 per cent year on year growth
 - Digital revenue \$134.5m, 21.9 per cent year on year growth

⁴⁴ Note: While much of the evidence focused on contemporary music, the Live Music Office explained: "The issues facing the live music sector are also equally experienced by performance and cultural activity across the art-forms, including the dramatic arts, dancing, poetry and spoken word, electronic media, visual arts displays, and the wonderful things that happen when artforms blend" (See Submission 283, p 3).

⁴⁵ Evidence, Ms Emily Collins, Managing Director, MusicNSW, 26 March 2018, p 34.

⁴⁶ Submission 254, ARIA, p 2 quoting PwC, *The Economic Contribution of Australia's Copyright Industries 2002-2016*, September 2017.

⁴⁷ Evidence, Mr Dean Ormston, Chief Executive Officer, APRA AMCOS, 26 March 2018, p 27.

⁴⁸ APRA AMCOS, *2018 Year in Review*, http://apraamcos.com.au/media/YIR/2018/APRA_AMCOS_Year_in_Review_2018.pdf, p 1.

- Broadcast revenue \$132.6m, 5.8 per cent year on year growth
- Audio streaming revenue \$81.9m, 31.9 per cent year on year growth
- Royalties earned overseas \$43.7m, marking a 105 per cent growth over a five year period
- Total members who earned royalties 47,648.⁴⁹

2.4 Recent media reports state that ARIA has advised the House of Representatives Standing Committee on Communications and the Arts that Australia's music industry has the potential to achieve a five per cent share of the global music market, up from its current figure of approximately one per cent. ARIA states that this ambitious target could be achieved if the music industry and government work together collaboratively in areas such as creators' rights; investment opportunities; export; local content; music cities and live music; and music education.⁵⁰

2.5 Additionally, in 2015, research undertaken by the University of Tasmania noted that '... the sum of benefits returned to businesses as a result of live music making in Australia in 2014 was estimated to be \$2.1 billion'.⁵¹ The report concluded that in 2014, it was estimated that live music making in Australia enabled at least \$15.7 billion worth of physical, human, social and symbolic capital in individuals, firms and communities benefits across the community.⁵²

2.6 The Live Music Office noted that the University of Tasmania research estimated that New South Wales is the largest contributor to the live music industry in Australia, generating approximately \$3,623 million and 23,207 jobs.⁵³

2.7 Similarly, Live Performance Australia reported that New South Wales accounts for the largest share of Australia's contemporary music activity and revenue:

The largest share of Australia's contemporary music activity occurs in NSW. In 2016 NSW generated the highest share of contemporary music revenue at \$157.6 million (35.8 per cent of national market share) and attendance 1.91m (33.7 per cent of national market share).⁵⁴

2.8 In fact, a University of Tasmania study, commissioned by the City of Sydney, reported: 'It is estimated that in 2016 live music making in Sydney enabled at least \$353.56 million worth of ... [valuable outputs] across the community'.⁵⁵ The study also determined that, in 2016, producers and consumers of live music spent \$757.84 million in ancillary sectors such as: accommodation;

⁴⁹ APRA AMCOS, *Digital revenue eclipses broadcast in APRA AMCOS' record-setting financial year results*, <http://apraamcos.com.au/news/2018/october/digital-revenue-eclipses-broadcast-in-apra-amcos-record-setting-financial-year-results/>.

⁵⁰ Mr Lars Brandle, 'ARIA files submission for music inquiry, proposes ambitious 5% global market share by 2030', *The Industry Observer*, 9 October 2018.

⁵¹ University of Tasmania, *The Economic and Cultural Value of Live Music in Australia in 2014*, (2015) p 39.

⁵² University of Tasmania, *The Economic and Cultural Value of Live Music in Australia in 2014*, (2015) p 39.

⁵³ Submission 283, Live Music Office, p 4.

⁵⁴ Submission 287, Live Performance Australia, p 6.

⁵⁵ Mr Paul Muller and Dr Dave Carter, University of Tasmania, *The Economic and Cultural Contributions of Live Music Venues in the City of Sydney*, (2016), p 11.

internet and telecommunications; heritage; museums and the arts; retail trade; and road transport.⁵⁶

- 2.9** ARIA informed the committee that numerous New South Wales artists, including Flume, Flight Facilities and Gang of Youths, have enjoyed 'international sales, critical acclaim and chart success'.⁵⁷ ARIA noted that export success '... helps to position Sydney and New South Wales on the world stage. Perhaps even more importantly, local performers and songwriters play an important role in reflecting and recording our cultural identity – telling our stories from our own unique perspective'.⁵⁸
- 2.10** Other inquiry participants discussed the cultural and social benefits of live music.⁵⁹ For example, Tempting Eve, a band based in Sydney, said: 'The benefits of live music within our community are clear such as creativity, expression, local employment and business profits, designated attractions, and providing and overall positive interaction within the community'.⁶⁰ Mr Greg Khoury of Century Venues also described music as a 'humanising force' and added that live performances provide a 'major public shared experience, which is increasingly important'.⁶¹

Committee comment

- 2.11** The committee acknowledges the significant economic and cultural benefits of live music. We note that in 2014, the contemporary live music industry generated approximately \$3,623 million and 23,207 jobs in New South Wales, and anticipate that these numbers have grown substantially in the last few years. Moreover, we note that the contemporary music sector in New South Wales is the largest in Australia.
- 2.12** The committee recognises the importance of harnessing the potential of the New South Wales contemporary music sector to ensure these benefits continue into the future. We are encouraged by ARIA's assertion that Australia's music industry has the potential to achieve a five per cent share of the global music market and want much of this new music to come from New South Wales to ensure that our stories and experiences are shared around the globe.

Finding 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.

⁵⁶ Mr Paul Muller and Dr Dave Carter, University of Tasmania, *The Economic and Cultural Contributions of Live Music Venues in the City of Sydney*, (2016), pp 11-12. Also see, Evidence, Mr Greg Khoury, Century Venues, 26 March 2018, pp 73-74.

⁵⁷ Submission 254, ARIA, p 2.

⁵⁸ Submission 254, ARIA, p 2. Also see, Evidence, Mr Dan Rosen, Chief Executive Officer, ARIA, 26 March 2018, p 59.

⁵⁹ Submission 156, Committee for Sydney, p 1.

⁶⁰ Submission 384, Tempting Eve, p 1.

⁶¹ Evidence, Mr Khoury, 26 March 2018, pp 73-74.

- 2.13** In recognition of the significant contribution made by the music industry to the New South Wales economy, and the industry's potential to achieve a larger share of the global music market if afforded the requisite priority by government, the committee recommends that the Premier appoint a Minister for Music, the Arts and Culture in place of the Minister for the Arts. Alternatively, the Premier should appoint a Minister for Music in addition to the Minister for the Arts.

Recommendation 1

That the Premier appoint a Minister for Music, the Arts and Culture in place of the Minister for the Arts, or appoint a Minister for Music in addition to the Minister for the Arts.

- 2.14** The committee has identified a range of additional mechanisms by which the government can take action in this area, which are set out in the following sections and throughout this report. Many of these recommendations reflect our vision for a new, collaborative approach to contemporary music in which government works in tandem with the music industry to support creators' rights; investment opportunities; export; local content; music cities and live music; and music education.

The fractured music ecosystem

- 2.15** MusicNSW observed that the music industry is a 'complex ecosystem with many moving parts', including artists, venues, publicists, venue managers, record labels, festivals, booking agents, artist managers, bar staff, sound engineers and lighting technicians.⁶² However, MusicNSW observed that as the music ecosystem is so heavily entwined '... when you disrupt one part, the ripples of impact can be felt across the entire industry'.⁶³
- 2.16** Ms Millie Millgate, Executive Producer of Sounds Australia, said that contemporary music in New South Wales is being undermined by the lack of a robust foundation:
- We cannot do our job and bring New South Wales artists through at that global level if there is no robust foundation. It is a pyramid. You need the venues working. You need them to play at festivals. They need air play. All of that goes towards building this economy of artists. Then we get the easy job. We get to show them to the world, and that is the greatest pleasure. But if you do not have the bits here—it is completely fractured.⁶⁴
- 2.17** Likewise, ARIA cautioned: '... we need to get the grassroots right, because if we do not have that next generation coming through, we will not be able to put those artists on the national and world stage'.⁶⁵
- 2.18** Mr Ben Marshall, Head—Contemporary Music, Sydney Opera House, said that traditionally there was a perception that contemporary music could be self-sustaining, however, he believes

⁶² Submission 380, MusicNSW, p 3.

⁶³ Submission 380, MusicNSW, p 3.

⁶⁴ Evidence, Ms Millie Millgate, Executive Producer, Sounds Australia, 24 August 2018, p 43.

⁶⁵ Evidence, Mr Rosen, 26 March 2018, p 59.

this is no longer the case and the right conditions, including government support, must be in place for the industry to thrive.⁶⁶

- 2.19** Indeed, Mr Dave Faulkner of the band Hoodoo Gurus does not believe his success would have been possible in today's environment due the breakdown of the live music ecosystem. The case study below outlines his concerns.

Case study: Mr Dave Faulkner, Musician, Hoodoo Gurus⁶⁷

Mr Dave Faulkner is the front man for the iconic Australian band the Hoodoo Gurus. The band formed in 1981 and had successive acclaimed pop-rock singles. The band's biggest hit single was their 1987 hit song 'What's My Scene?'. The Hoodoo Gurus were inducted into the ARIA Hall of Fame in 2007.

Mr Dave Faulkner feels very fortunate to be able to make a sustainable living solely out of playing music. He noted that when the band formed in 1981, they went against the grain of what was popular music on radio at the time. Mr Faulkner describes building up the Hoodoo Guru's fan base gradually, a bit like door-to-door sales people, by playing for audiences in small venues across the city before eventually the band's music hit the airways.

However, when Mr Faulkner started out there was a much healthier live music scene in Sydney and you could play seven nights a week to large crowds. Now, given the state of Sydney's music scene, Mr Faulkner believes the Hoodoo Guru's journey would not be possible as there are no venues, and no way of playing and spreading the word as they once did.

Mr Faulkner sees music as being artistically and culturally necessary to the community. People should enjoy music together, rather than being locked in houses with the internet and TV.

- 2.20** Stakeholders identified key friction points for the contemporary music industry including:
- the declining number of live music venues
 - the lack of support and appreciation for artists
 - the complexity of the regulatory environment, including securing development consent, land conflict, liquor licensing, noise, and the implementation of the lockouts
 - air play on commercial radio stations
 - access to play lists on streaming services
 - the approach taken to the industry by the government.
- 2.21** Measures to address these issues are discussed throughout this report.

Funding and strategy in other jurisdictions

- 2.22** Under the terms of reference, the committee examined how other jurisdictions have supported cultural activities, particularly live music. Most of the evidence received focused on the live

⁶⁶ Evidence, Mr Ben Marshall, Head—Contemporary Music, Sydney Opera House, 14 September 2018, p 35.

⁶⁷ Evidence, Mr Dave Faulkner, Musician, Hoodoo Gurus, 26 March 2018, pp. 28-31.

music industries in Victoria, South Australia and Queensland. The following section considers the approaches taken in Victoria and South Australia. The Fortitude Valley Special Entertainment precinct is examined in Chapter 6.

Victoria

- 2.23** The committee heard that 'Victoria has some of the world's most supportive music-related laws and strategies'.⁶⁸ In fact, the committee heard that Melbourne has been proclaimed 'the greatest music city in the world'.⁶⁹ However, this was not always the case. Ms Helen Marcou, Co-Founder of Save Live Australia's Music (SLAM), said that in 2010 there was public pressure on the government to address 'alcohol fuelled violence and late-night drinking'.⁷⁰
- 2.24** Consequently, the government placed further restrictions on licensed venues, including live music venues.⁷¹ For example, Ms Marcou said: 'An old condition from the 1980s was rolled out onto licence renewals. If a venue had a 3.00 a.m. licence and live music they were immediately considered high risk'.⁷²
- 2.25** The committee heard that these restrictions had a disastrous impact on live music in Melbourne. Ms Marcou stated: 'Our beloved live music scene was haemorrhaging, musicians were losing livelihoods and the culture of live music was under threat'.⁷³ Ms Marcou argued that the government's approach demonstrated that 'there was no nuance or knowledge of live music venues and the absurdist proxy that live music equals violence had been created'.⁷⁴
- 2.26** In response, Ms Marcou and her partner Mr Quincy McLean brought together a range of stakeholders, such as artists, experts, academics, policy writers, publicists, media and event organisers, to demand that the government rollback its licensing policy and recognise the cultural value of live music. Ms Marcou stated: 'We simplified the complexity of liquor licensing policy to a direct message that the broader community could take-up: Do not kill live music. This was about our right to participate and practise in our culture'.⁷⁵ In early 2010, the SLAM movement culminated in rally of over 20,000 people who protested to support live music.⁷⁶
- 2.27** In response to public support for the SLAM movement, the Victorian Government, in conjunction with industry stakeholders, has encouraged and promoted live music by various means, including:

⁶⁸ Music Victoria, *Victoria has a supportive government*, <https://www.musicvictoria.com.au/about/victorian-contemporary-music-industry-fast-facts>,

⁶⁹ Evidence, Ms Helen Marcou, Co-Founder, Save Live Australia's Music, 28 May 2018, p 28

⁷⁰ Evidence, Ms Marcou, 28 May 2018, p 29.

⁷¹ Evidence, Ms Marcou, 28 May 2018, p 29.

⁷² Evidence, Ms Marcou, 28 May 2018, p 29. Also see, Evidence, Mr Jon Perring, Proprietor, The Tote Hotel, 7 August 2018, p 35.

⁷³ Evidence, Ms Marcou, 28 May 2018, p 29.

⁷⁴ Evidence, Ms Marcou, 28 May 2018, p 29. Also see, Evidence, Mr Patrick Donovan, Chief Executive Officer, Music Victoria, 7 August 2018, p 13.

⁷⁵ Evidence, Ms Marcou, 28 May 2018, p 30. Also see, Evidence, Mr Perring, 7 August 2018, p 35.

⁷⁶ SLAM, *About SLAM*, <http://slamrally.org/about-us>.

- signing the *Agreement regarding live music venues* which recognises the value of live music, and sets out the actions the government intended to take to promote the industry, including creating a help desk with dedicated licensing officers to assist licensees who provide live music to navigate the liquor licensing system, and acknowledged that live music does not cause violence⁷⁷
- amending the *Liquor Control Reform Act 1998 (Vic)* to recognise the contribution of live music in the Objects of the Act
- convening the Live Music Roundtable – chaired by Creative Victoria, which brought together key government agencies, including planning, the Office of Liquor, Gaming and Racing, the Environment Protection Authority and police, as well as industry stakeholders to address issues affecting the live music sector, such as planning reforms and sexual assault⁷⁸
- commissioning the Deloitte Access *Economics report into the social, cultural and economic contribution of the live music sector*⁷⁹
- implementing the agent of change principle which acknowledges that the first occupant has rights to sound attenuation and noise levels (examined in Chapter 6)
- developing Australia's Best Practice Guidelines for Live Music Venues
- encouraging all-ages gigs
- reviewing the State Environmental Planning Policy N-2, administered by the EPA, which regulates noise compliance levels.⁸⁰

Music Works

- 2.28** There was overwhelming support among stakeholders for "Music Works", Victoria's contemporary music funding program.⁸¹ Ms Kirsty Rivers, Manager of Contemporary Music at Creative Victoria, advised that Music Works was established in 2015 with a budget of \$22.2 million over four years, and that there are two core programs areas: industry investment and industry development.⁸²
- 2.29** Music Works provides a series of grants, mentoring and professional development programs, strategic initiatives and major projects to support contemporary music. Key initiatives include:
- Major Funding Grants – open to artists and organisations to support dynamism in the contemporary music scene

⁷⁷ Music Victoria, *Agreement regarding live music venues*, https://www.musicvictoria.com.au/assets/media_releases/Live_Music_Agreement_5-10-1.pdf

⁷⁸ Evidence, Ms Jane Crawley, Director, Arts Investment, Creative Victoria, 7 August 2018, p 7.

⁷⁹ SLAM, *About SLAM*, <http://slamrally.org/about-us>.

⁸⁰ See, Evidence, Ms Kirsty Rivers, Manager, Contemporary Music, Creative Victoria, 7 August 2018, p 4; Evidence, Ms Marcou, 28 May 2018, p 33; Evidence, Mr Donovan, 7 August 2018, p 15.

⁸¹ Evidence, Ms Collins, 26 March 2018, p 37; Evidence, Ms Jane Slings, Executive Producer, Electronic Music Conference, Artist Manager, Set Mo, 28 May 2018, p 38; Submission 254, ARIA, p 5.

⁸² Evidence, Ms Rivers, 7 August 2018, p 3.

- Quick Response Grants – support for artists and organisations to take up significant career or business opportunities that arise at short notice and outside of the major bi-annual funding rounds
- Good Music Neighbours – provides funding for venues to implement sound attenuation measures
- Music Passport – a suite of initiatives and opportunities to support Victoria's music industry to establish global links, learn from the best in the world and break into new international markets
- Victorian Music Crawl – delegations of music industry stakeholders visit targeted regions in Victoria to explore opportunities for contemporary music touring and collaboration
- Music Under Wings – a professional development program for emerging contemporary music artists, industry personnel, live music events and venues
- Australian Music Vault – premise within the Arts Centre Melbourne that charts the story of Australian music
- The Victorian Music Development Office – this office is managed by Music Victoria and equips small-medium artists and organisation with the resources and skills to assist with their growth.⁸³

2.30 As noted earlier in the chapter, unlike Create NSW, Creative Victoria employs music specialists.⁸⁴ (The Create NSW model is discussed further at paragraph 3.44.)

2.31 Ms Jane Crawley, Director of Arts Investment at Creative Victoria, advised that the government's proactive approach to supporting the live music industry has been successful, generating over \$800 million a year and tens of thousands of jobs:

Music Victoria's 2018 Live Music Census reports that more than 500 live venues operate in Melbourne alone, creating an important economic and creative ecosystem. These numbers add up, with more than \$800 million a year and tens of thousands of jobs directly generated through live music activity. Creators and artists are drawn to Victoria, with artists such as Sampa the Great, who is the recipient of the recent Australian Music prize for 2018, and emerging Indigenous superstar Baker Boy recently relocating to Victoria.⁸⁵

2.32 Overall, Creative Victoria advised that the Victorian Government will invest \$27 million in contemporary music over four years, that is, \$22.2 million through Music Works and an additional \$4 million for the Victorian Music Development Office and Music Market, plus support for the Music Cities Convention in 2018.⁸⁶

⁸³ Evidence, Ms Rivers, 7 August 2018, p 3; Creative Victoria, *Music Works*, <https://creative.vic.gov.au/funding-and-support/programs/music-works>.

⁸⁴ Evidence, Ms Crawley, 7 August 2018, p 6.

⁸⁵ Evidence, Ms Crawley, 7 August 2018, p 2.

⁸⁶ Answers to supplementary questions on notice, Creative Victoria, received 7 September 2018, p 7.

Music Victoria's 10 Point Plan

2.33 Mr Patrick Donovan, Chief Executive Officer of Music Victoria, observed that Melbourne had found success by following the lessons outlined in Music Victoria's 10 point plan:

1. Know your value – collect and publish data
2. All aboard – political buy-in
3. Keep the doors open – 'no lockouts here'
4. Build your case – present a clear, evidence-based plan
5. Come together – industry and government work together to achieve mutual benefits
6. Localise it – council commitment to live music
7. Get smart – excellence through best practice
8. Get with the program – attract funding and initiatives/programs to benefit industry
9. Protect the players – there is no music without the creatives
10. Rock 'n Roll High school – get smart, be skilled
11. The Circuit Breaker – if all else fails, rally the troops.⁸⁷

2.34 The committee heard that this proactive approach is also reflected in the actions of local governments in Victoria. Ms Siu Chan, Unit Manager of Arts, Culture and Venues at the City of Yarra, explained that the council takes a whole-of-organisation approach to engage and promote the local music and arts ecosystem as part of its support for the day- and night-time economies in the area.⁸⁸ For example, the council provides acoustic treatment grants to assist live music venues with their sound attenuation measures.⁸⁹ Ms Chan also noted that council has developed an events permits policy and created a single point of contact to meet stakeholder needs.⁹⁰ The council also works 'very closely' with Music Victoria to promote music venues and support best practice.⁹¹

South Australia

2.35 In 2016, the Government of South Australia commenced a Streamlining Live Music Regulation Change@SA 90 Day Project. The project, led by the Department of Premier and Cabinet, brought together industry stakeholders and state, and local government agencies '... to examine

⁸⁷ Music Victoria, *Victorian Live Music 10 Point Plan*, <https://www.musicvictoria.com.au/resources/resources/victorian-live-music-10pp>; Evidence, Mr Donovan, 7 August 2018, p 10.

⁸⁸ Evidence, Ms Siu Chan, Unit Manager, Arts, Culture and Venues, City of Yarra, 7 August 2018, p 19.

⁸⁹ Evidence, Ms Chan, 7 August 2018, p 23.

⁹⁰ Evidence, Ms Chan, 7 August 2018, p 20.

⁹¹ Evidence, Ms Chan, 7 August 2018, p 22.

the regulatory barriers facing bricks and mortar live music venues and to recommend reforms to reduce the regulatory burden for live music venues ...'.⁹²

2.36 The Live Music Office reported that the project was successful, and resulted in the government and local government moving to address 'cumbersome'⁹³ regulations through a range of means, including:

- amending development regulations to allow 'low risk' live music in licensed and unlicensed venues, allowing non-traditional venues such as coffee shops to host live music without approvals
- removing archaic conditions relating to genre or specific musical instruments
- establishing a case management program to support venues wanting to host live music
- creating a grants program to help alleviate the cost of acoustic engineer reports needed by live music venues
- delivering advisory notices to councils to guide them when making live music related assessments
- implementing further reforms aimed at reducing costs on businesses and local government when acoustic assessments are required.⁹⁴

2.37 The Live Music Office supported the NSW Government undertaking a similar approach.⁹⁵

2.38 Measures relating to development, noise and other regulations are discussed further in Chapters 6 to 8.

Committee comment

2.39 The committee applauds the approaches taken in Victoria and South Australia and has made recommendations throughout this report that reflect aspects of both approaches.

2.40 The committee notes that the Victorian Government, through Music Works, has made a decisive financial commitment to the contemporary music industry in that state. The committee has made recommendations later in this chapter, and throughout the report, that seek to replicate Victoria's whole-of-industry approach to contemporary music to in New South Wales.

Music expertise in Create NSW

2.41 While there was some stakeholder support for Create NSW,⁹⁶ it was suggested that the agency does not have the capacity to adequately oversee the contemporary music industry. Inquiry participants expressed concern that, unlike other states, Create NSW does not have specific

⁹² Submission 283, Live Music Office, p 16.

⁹³ Submission 283, Live Music Office, p 16.

⁹⁴ Submission 283, Live Music Office, p 17.

⁹⁵ Submission 283, Live Music Office, p 16.

⁹⁶ Evidence, Clr Jess Scully, Councillor, City of Sydney, 26 March 2018, pp 15-16.

music specialists. Ms Millie Millgate, Executive Producer of Sounds Australia, explained that the lack of music specialists means that Create NSW cannot appropriately cater to the music industry's needs:

It is really significant [that Create are not music specialists]. They have limitations, and without that skill set they do not have the impetus to talk about it. One of the most exciting things of my role is to talk to the different [agencies]—I can pick up the phone to a music person in State Government in every other State and talk about music. They know who their artists are. They know who is working behind those artists. We can talk about, "What do you need? What is working for you?"⁹⁷

2.42 Ms Millgate cited the agency's funding requirements, which consider applications across all creative pursuits, as an example of this 'disconnect' between Create NSW and the music industry.⁹⁸ In addition, Sounds Australia observed that as a result of Create NSW's 'frequent' staff changes and restructuring, the agency does not understand the importance of the contemporary music export program and the role it plays in the success of New South Wales artists.⁹⁹

2.43 Ms Crawley said that having music specialists within Creative Victoria was 'absolutely critical'.¹⁰⁰ Ms Crawley explained that music specialists are able to bring operational knowledge and understanding to what is a very nuanced industry:

There is a policy framing and there is a regulatory framing but the relationship is a very critical one and I think there needs to be operational understanding of how that particular industry works. It is quite a nuanced industry, it has been outside a formal frame, so to speak, in the past and largely operating in a purely commercial framing without those sorts of intersections with public policy. A deep operational understanding and the respect of key industry stakeholders is really a requirement in order to be able to design the program so that it has the greatest impact and maintains the respect and trust of key industry stakeholders.¹⁰¹

2.44 The Live Music Office and MusicNSW recommended that a Music Development Office be established to provide for dedicated roles in government agencies to the music sector, and lead the delivery of the strategic plan.¹⁰² Ms Millgate concurred, saying that a music development office would assist in promoting export opportunities.¹⁰³

2.45 In Victoria the establishment of a Music Development Office is aimed at leading 'a range of programs and projects aimed at strengthening music businesses and building markets for Victorian music.

2.46 Delivered by Music Victoria and supported by an industry steering committee, the Office will run business development and advice service for music businesses. It will also undertake

⁹⁷ Evidence, Ms Millgate, 24 August 2018, p 43.

⁹⁸ Evidence, Ms Millgate, 24 August 2018, p 43; Submission 266, Sounds Australia, p 1.

⁹⁹ Submission 266, Sounds Australia, p 1.

¹⁰⁰ Evidence, Ms Crawley, 7 August 2018, p 6.

¹⁰¹ Evidence, Ms Crawley, 7 August 2018, p 6.

¹⁰² Submission 283, Live Music Office, p 5; Submission 380, MusicNSW, p 1.

¹⁰³ Evidence, Ms Millgate, 24 August 2018, p 44.

research and provide training to help the industry master new developments and disruptions in areas such as technological change.

Committee comment

- 2.47** The committee acknowledges that Create NSW is in many ways constrained by circumstance. The agency has moved between different cluster agencies and many of the issues affecting culture such as planning are outside its remit.
- 2.48** However, the committee was persuaded that it is essential for Create NSW to employ music specialists. As the committee has discovered during this inquiry, the music industry is an intricate and interdependent ecosystem that is best understood by music industry professionals. The committee recommends that Create NSW employ at least one senior ongoing full-time contemporary music specialist, and that this role be responsible for consulting with industry and administering funding.
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Recommendation 2

That Create NSW employ at least one senior ongoing full-time contemporary music specialist, and that this role be responsible for consulting with industry and administering funding for contemporary music programs.

- 2.49** We acknowledge the calls from stakeholders to establish a Music Development Office that, among other responsibilities, will equip small to medium artists and organisations with the resources and skills to reinvigorate contemporary music in New South Wales. As discussed later in this chapter, *The Mastering of a Music City* report released by the International Federation of the Phonographic Industry and Music Canada, noted the importance of this type of body. Additionally, we note that the Victorian Music Office is managed by Music Victoria. The committee recommends that the NSW Government, through Create NSW, fund MusicNSW to establish a Music Development Office.
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Recommendation 3

That the NSW Government, through Create NSW, fund MusicNSW to establish a Music Development Office.

Strategic plan for contemporary music

- 2.50** New South Wales does not currently have a strategic plan for contemporary music, a situation that Ms Jane Slingo, Executive Producer of Electronic Music Conference, and Artist Manager, Set Mo, described as 'insanity'.¹⁰⁴
- 2.51** Inquiry participants suggested that the contemporary music industry has been disadvantaged by the absence of a strategic plan. For example, MusicNSW argued:
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¹⁰⁴ Evidence, Ms Slingo, 28 May 2018, p 37.

In NSW, there is no strategy for music industry and artist development from the state government. Consequently, investment in contemporary music, compared to that of other Australian states, is dismally low given not only the size of our population in NSW but also the density of industry and artists.¹⁰⁵

2.52 The Live Music Office suggested the lack of a contemporary music plan destabilises relationships between artists and the government and undermines sector capacity.¹⁰⁶

2.53 During the early stages of the inquiry, stakeholders called for Create NSW to immediately develop a strategic plan for contemporary music,¹⁰⁷ and argued that delivery of the plan should be supported by significant financial investment for programs and industry development.¹⁰⁸

2.54 Ms Emily Collins, Managing Director, MusicNSW, said that a contemporary music strategy had the capacity to reinvigorate the industry and 'get the industry back on track':

We need a contemporary music plan to get the industry back on track ... We need strategic programs that promote industry, audience and artistic development, we need support for emerging and big career musicians, we need support for regional music communities and artists, and we need to increase access to live music for young people. Without significant support and investment we are worried for the future of music in New South Wales.¹⁰⁹

2.55 The Live Music Office concurred, saying: 'Delivering a strategic plan for the music industry in NSW will ensure government investment and better regulation/red tape reduction are aligned to the identified issues and needs of the sector'.¹¹⁰

2.56 As discussed previously, stakeholders emphasised the success of Victoria's contemporary music plan that was accompanied by \$22 million over four years in funding for Music Works and a support program.¹¹¹

2.57 Other proposals to promote contemporary music included:

- using collaborative marketing initiatives between local government and industry to promote gigs and events
- identifying best practice as models and applying these models around across the state
- supporting regional industry development programs including a live music crawl
- promoting International Make Music Day across the state¹¹²

¹⁰⁵ Submission 380, MusicNSW, p 3. Also see, Evidence, Ms Collins, 26 March 2018, p 33.

¹⁰⁶ Submission 283, Live Music Office, p 15.

¹⁰⁷ Evidence, Mr Ormston, 26 March 2018, p 28; Evidence, Clr Scully, 26 March 2018, p 16; Evidence, Ms Collins, 26 March 2018, p 33; Evidence, Mr Rosen, 26 March 2018, 61; Evidence, Ms Slingo, 28 May 2018, p 39.

¹⁰⁸ Submission 380, MusicNSW, p 1; Evidence, Mr Ormston, 26 March 2018, p 28.

¹⁰⁹ Evidence, Ms Collins, 26 March 2018, p 33.

¹¹⁰ Submission 283, Live Music Office, p 5.

¹¹¹ Submission 254, ARIA, p 5. Also see, Submission 380, MusicNSW, p 3. Also see, Evidence, Ms Slingo, 28 May 2018, p 37.

¹¹² Submission 283, Live Music Office, pp 5-7.

- encouraging people to pay for small gigs and to go out at night-time.¹¹³

2.58 In March 2018, Create NSW advised that a contemporary music strategy was 'under development' and that stakeholder consultation and research had been commissioned to support this task:

The contemporary music plan is under development. We have commissioned research about best practice strategies from around the world. We have met with Music NSW, the Live Music Office, the Sydney Fringe to understand the key issues and challenges to that sector, and based on the findings of the research and further consultation, we will be looking to develop a strategy for Government to consider.¹¹⁴

2.59 In September 2018, Create NSW advised that a survey of musicians had been undertaken to inform the strategic plan, and had identified the following requirements:

- supporting a more diverse range of small to medium venues and incentivising them to host, program and promote live music
- cutting red tape to assist venues to stage live music
- boosting the role of community radio to increase audiences and support for New South Wales music
- calculating the value of New South Wales music through the collection and publishing of data
- establishing a strong evidence base that supports future decision-making and opportunities
- considering a voluntary code of practice that includes support for the proper remuneration of musicians.¹¹⁵

2.60 In October 2018, Create NSW provided information regarding some of the other focus areas identified during its contemporary music strategy consultation processes, including:

- supporting all ages and family friendly music events
- developing education initiatives that provide critical pathways to music appreciation and creation
- ensuring musicians receive fair compensation for their live and recorded work
- establishing formal mechanisms for the music industry and government to work together to advance contemporary music
- working with local governments to assist in grass roots music development
- establishing development and pipeline initiatives for emerging and established musicians, such as mentorships and business training, in addition to infrastructure like recording studios and rehearsal venues

¹¹³ Evidence, Ms Collins, 26 March 2018, p 36; Evidence, Ms Brooke McClymont, Artist, The McClymonts, 26 March 2018, p 31; Evidence, Mr Jack Lincoln, Artist, 4 July 2018, p 16.

¹¹⁴ Evidence, Mr Tarek Barakat, Director of Strategic Policy, Research and Projects, Create NSW, p 3.

¹¹⁵ Evidence, Ms Alex O'Mara, Deputy Secretary, Create NSW, 24 September 2018, p 4.

- increasing the profile of the First Nations musicians
- increasing the profile of the culturally diverse musicians
- encouraging regional initiatives to support touring musicians, and conducting discovery missions across the state to scout for new talent and ensure regional areas have access to a range of industry professionals
- providing export support for New South Wales musicians to assist them to access international markets.¹¹⁶

2.61 Create NSW has also considered a number of reports that focus on the contemporary music industry in Canada to inform the development of the contemporary music strategy.¹¹⁷ For example, *The Mastering of a Music City – Key elements, Effective Strategies and Why It's Worth Pursuing*, released by the International Federation of the Phonographic Industry and Music Canada identified key strategies for developing a music city, including:

- implementing music-friendly and musician-friendly policies
- having a music office or officer
- having a music advisory board
- engaging the broader music community to get their buy-in and support
- accessing to spaces and places
- supporting audience development
- supporting music tourism.¹¹⁸

2.62 Ms Alex O'Mara, Deputy Secretary of Create NSW, advised that the agency intends to finalise the strategy by October 2018.¹¹⁹

Funding for contemporary music

2.63 Create NSW advised that in 2017-2018, the government invested approximately \$1,095,805 to contemporary music, in addition to the allocation of approximately \$7.6 million to festivals and organisations providing contemporary music.¹²⁰ Create NSW provided a breakdown of the \$1,095,805:

- \$455,000 to Music NSW in 2017-2018 as part of a multiyear agreement, including, \$100,000 in small grants to artists, and \$355,000 to an annual program of creative and professional development opportunities for emerging musicians and industry professionals

¹¹⁶ Answers to questions on notice, Create NSW, received 17 October 2018, pp 1-2.

¹¹⁷ Answers to questions on notice, Create NSW, received 17 October 2018, p 8.

¹¹⁸ International Federation of the Phonographic Industry and Music Canada, *The Mastering of a Music City – Key elements, Effective Strategies and Why It's Worth Pursuing*, pp 13-15.

¹¹⁹ Evidence, Ms O'Mara, 24 September 2018, p 3.

¹²⁰ Answers to supplementary questions on notice, Create NSW, received 2 May 2018, p 3.

- \$320,805 to individuals and organisations for the development, production and presentation of contemporary music
- \$20,000 for the Boomerang Festival, which is held as part of the Byron Bays Blues Fest
- \$50,000 for Heaps Decent, a multi arts organisation
- \$250,000 (approved in 2016-2017) was delivered for staging the Live and Local festivals in 2017-2018.¹²¹

2.64 This financial support was considered inadequate by several stakeholders. For example, Councillor Jess Scully of City of Sydney, called the government's investment in contemporary music 'shameful'.¹²²

2.65 Similarly, the Electronic Music Conference said that the level of government funding for contemporary music demonstrates its 'huge lack of confidence' in the sector.¹²³ Additionally, the Electronic Music Conference expressed frustration that the NSW Government allocates significantly more funds to classical music than to contemporary music.¹²⁴

2.66 Sounds Australia expressed particular concern regarding the level of funding directed at showcasing New South Wales music internationally. Ms Millie Millgate, Executive Producer, Sounds Australia, explained that from 2010-17, the government had spent \$65,600 to showcase contemporary music overseas:

... when examining the amount of funding that has been granted to contemporary music artists and music businesses by the New South Wales Government, we note a grand total of \$65,600. This is the combined total for eight years of investment from 2010-2017. It has supported only nine groups and one industry professional music business.¹²⁵

2.67 Ms Millgate said the level of funding suggests the government does not take 'pride' in contemporary music.¹²⁶ In addition, Ms Millgate added that this is significantly less funding than what is provided by the South Australian and Victorian governments.¹²⁷ Ms Millgate detailed the expenditure of the South Australian and Victorian governments to support overseas showcases, and compared it to the investment from the NSW Government:

In less than that, in five years from 2014-18, the South Australian Government has invested \$307,969 to support 41 groups and four industry professionals in their international endeavours.

In an even shorter period of time, in just two years, in 2017-18, the Victorian Government has committed \$654,865 to contemporary music for the support of 60

¹²¹ Correspondence from Ms Genelle Watkins, Create NSW, to Chair, received 26 September 2018, pp 1-2.

¹²² Evidence, Clr Scully, 26 March 2018, p 16.

¹²³ Submission 286, Electronic Music Conference, p 4.

¹²⁴ Evidence, Ms Slingo, 28 May 2018, p 38.

¹²⁵ Evidence, Ms Millgate, 24 August 2018, p 41.

¹²⁶ Evidence, Ms Millgate, 24 August 2018, p 41.

¹²⁷ Evidence, Ms Millgate, 24 August 2018, p 41.

groups and 10 international businesses. For a State with not even 1 per cent more artists showcasing internationally, they are investing 10 times as much funding in a quarter the amount of time and in doing they are supporting 567 per cent more artists and 900 per cent more music businesses towards export success than New South Wales currently is.¹²⁸

- 2.68** Sounds Australia expressed further frustration at the apparent lack of integration of arts and culture into the New South Wales Trade and Investment Action Plan.¹²⁹
- 2.69** Stakeholders called on the NSW Government to provide additional funding to the contemporary music sector and that this funding be tied to a strategic plan for contemporary music.¹³⁰

Committee comment

- 2.70** The committee acknowledges that, on the evidence presented, successive governments have shown a lack of commitment to the contemporary music sector. This has led to the deterioration of key elements of the contemporary music industry, including support of new and emerging artists and the destruction of small to medium live music venues. This apathy is reflected in the absence of a strategic plan and adequate funding for contemporary music.
- 2.71** The committee acknowledges that Create NSW is preparing a strategic plan for contemporary music. New South Wales is the only mainland without a contemporary music strategy. While it is disappointing that the plan has taken so long to deliver, we look forward to the guidance it will provide to encourage artists' development, reinvigorate the industry including venues and festivals, revitalise the regional touring network, support young people to participate in music, and develop audiences. The committee recommends that Create NSW immediately complete and release its strategic plan for contemporary music.

Recommendation 4

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

- 2.72** The committee is particularly heartened to note that Create NSW has identified the need to promote First Nations artists as part of the contemporary music plan. We recognise the importance of preserving and promoting Indigenous culture through music and recommend that Create NSW develop specific funding programs for Indigenous musicians.

¹²⁸ Evidence, Ms Millgate, 24 August 2018, p 41.

¹²⁹ Evidence, Ms Millgate, 24 August 2018, p 44.

¹³⁰ See, Submission 286, Electronic Music Conference, p 5. Evidence, Mr Ormston, 26 March 2018, p 27; Evidence, Ms McClymont, 26 March 2018, p 30; Evidence, Ms Collins, 26 March 2018, p 33; Evidence, Mr Julian Knowles, Chair, MusicNSW, 26 March 2018, p 37; Evidence, Ms Millgate, 24 August 2018, p 40.

Recommendation 5

That Create NSW develop specific funding programs for Indigenous musicians.

- 2.73** The committee believes that there needs to be a greater focus on audience development and calls on the government to play a strong role in encouraging more people to go out and support live music, and in turn, a healthy New South Wales entertainment economy. To this end, we recommend that Create NSW fund Music NSW to develop and implement, in conjunction with music industry stakeholders and Destination NSW, a marketing campaign that encourages people to attend live music gigs and events.
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Recommendation 6

That Create NSW fund Music NSW to develop and implement, in conjunction with music industry stakeholders and Destination NSW, a marketing campaign that encourages people to attend live music gigs and events.

- 2.74** We acknowledge and support the comments made by stakeholders about the level of NSW Government funding directed to contemporary music. In particular, the committee notes that in 2017-18, the NSW Government provided approximately \$845,805 to contemporary music, whereas the Victorian Government has invested approximately \$27 million over four years, which calculates to approximately \$5.5 million per year. The committee has calculated that if New South Wales were to match Victorian funding for contemporary music on a per capita basis, it would mean investing at least \$35 million over the four years of forward estimates.
- 2.75** The contemporary music industry generates significant economic, social and cultural benefits for New South Wales, and we believe that that increased targeted funding should be provided to the industry to support the implementation of the strategic plan for contemporary music. Following on, the committee recommends that the NSW Government match funding, per capita, for contemporary music with that of the Victorian Government over the next four years. Moreover, we recommend 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. The committee also recommends that as a part of a contemporary music strategy, the allocation of funding should be determined by music industry organisations, with appropriate oversight from Create NSW
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Finding 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.

Recommendation 7

That the NSW Government match funding, per capita, for contemporary music with that of the Victorian Government over the next four years.

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 9

That as a part of a contemporary music strategy, the allocation of funding should be determined by music industry organisations, with appropriate oversight from Create NSW.

- 2.76** We note the important role that Sounds Australia plays in driving Australian music exports, and were disappointed to receive evidence that the NSW Government has invested less than \$66,000 over eight years to showcase artists overseas. From the evidence provided by Sounds Australia, the committee has calculated that the NSW Government spends approximately \$8,200 to support one artist to showcase internationally per year, while the Victoria Government invests approximately \$327,000 to 30 artists, and the South Australian Government directs approximately \$62,000 to eight artists per year. We recommend that as a part of a contemporary music strategy, Create NSW contribute appropriate funding to Sounds Australia to support the export of music from New South Wales.
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Recommendation 10

That as a part of a contemporary music strategy, Create NSW contribute appropriate funding to Sounds Australia to support the export of music from New South Wales.

- 2.77** At this juncture we also note the success of the Live Music Roundtable in Victoria. The roundtable is chaired by Creative Victoria, and includes key government agencies, such as the Office of Liquor, Gaming and Racing; Victoria Police Liquor Licensing Unit; Victoria Police Drug and Alcohol Safety Unit Department of Environment, Land, Water and Planning; the Environment Protection Authority and the Victorian Commission for Gambling and Liquor Regulation, and music industry professionals. The roundtable provides a forum to openly discuss concerns and formulate informed, targeted solutions. We therefore recommend that Create NSW establish and convene a similar Live Music Roundtable in New South Wales.
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Recommendation 11

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

Industry organisations

2.78 The committee heard from a range of music industry organisations including:

- Australian Recording Industry Association Ltd (ARIA) – the peak trade body for the recorded music industry in Australia
- APRA AMCOS – the music rights organisation representing over 95,000 members, such as songwriters, composers and music publishers, which licenses organisations to play, perform, copy, record or make available its members' music, and distributes the royalties to its members
- Live Music Office – seeks to increase opportunities for live music across Australia by identifying and advocating for enhanced policy, regulation and strategy
- Sounds Australia – works to increase the profile of Australian contemporary music in international markets, and is housed within APRA AMCOS
- MusicNSW – the state body for contemporary music that is funded by Create NSW to deliver programs, projects and initiatives, to administer funding and to provide advice and support for musicians and the music industry
- Commercial Radio Australia – the industry body that represents the commercial radio industry across Australia
- Community Broadcasting Association of Australia – the peak body and the national representative organisation for community broadcasting across Australia.

Live Music Office and MusicNSW

2.79 The Live Music Office was a key contributor to this inquiry. The office was established in 2013 to examine state-based regulatory barriers to presenting venue-based live music. The Live Music Office described its role: 'Our advocacy encompasses regulation, research, audience development initiatives and support for music industry development'.¹³¹ The office provided further details about its goals and strategies:

We aim to provide:

- Regulatory and policy guidance.
- Best practice references and templates.
- Methodologies for engagement and to progress reform.
- Position papers and summaries of policy areas.
- Dissemination of information related to the music sector.

¹³¹ Submission 283, Live Music Office, p 1.

- Support for local stakeholders engaged in policy reforms and sector development.
- Research direction, strategy and coordination.
- Tools and initiatives related to sector mapping.¹³²

2.80 The Live Music Office was initially co-funded by APRA AMCOS with the Commonwealth Government and the Australia Council.¹³³ However, as at 31 December 2017, the Commonwealth stopped its contribution, and the office is now funded solely by APRA AMCOS.¹³⁴

2.81 In addition to investigating regulatory issues, the Live Music Office, with funding provided by Create NSW, established the Live and Local initiative which looked at educating and facilitating councils to present live music events.¹³⁵ This initiative is examined in Chapter 9.

2.82 A number of stakeholders praised the Live Music Office for its role in assisting venue operators, musicians, local councils and state government agencies to facilitate live music.¹³⁶ For example, Mr David Burgener, Community Development Officer—Cultural Planning, Community and Cultural Services at Tweed Shire Council, noted that meeting with Mr John Wardle and Ms Lucy Joseph from the Live Music Office encouraged council to consider how to better address arts and cultural planning:

... the Live Music Office came up to Tweed Shire to do a site visit we had an opportunity to meet with our strategic planning unit. That was a meeting where John Wardle and Lucy Joseph could provide some resources to our planners to promote arts and culture and provide a national picture and also on a State basis and within individual shires. That was a very informative, very short opportunity to get an overview of what is happening in the country. That started a conversation internally within council around how we can use planning to promote arts and culture in a way that we had not before.¹³⁷

2.83 Similarly, Newcastle City Council described the Live Music Office as having played a 'very important' role in supporting the development of the city's approach to live music and planning for the night-time economy.¹³⁸

2.84 Inquiry participants encouraged the NSW Government to support the Live Music Office. For example, Ms Ann Martin, Artist Planner and Cultural Planner, stated that the government should lobby the Commonwealth Government to reinstate full funding to the Live Music Office, as it has been 'influential and proactive in its work to support, encourage and inform the development and strength of the live music sector'.¹³⁹

¹³² Live Music Office, *Goals & Strategies*, <http://livemusicoffice.com.au/about-us/about/#/about-us/goals-strategies/>.

¹³³ Evidence, Mr John Wardle, Live Music Consultant, APRA AMCOS and Live Music Office, 14 September 2018, p 5

¹³⁴ Evidence, Mr Wardle, 14 September 2018, p 5

¹³⁵ Evidence, Mr Ormston, 26 March 2018, p 28. Also see, Evidence, Mr Barakat, 26 March 2018, p 2.

¹³⁶ Evidence, Ms Ann Martin, Artist Planner and Cultural Planner, 4 July 2018, p 9.

¹³⁷ Mr David Burgener, Community Development Officer—Cultural Planning, Community and Cultural Services, Tweed Shire Council, 4 July 2018, p 3.

¹³⁸ Evidence, Clr Declan Clausen, Deputy Mayor, Newcastle City Council, 23 August 2018, pp 4-5.

¹³⁹ Evidence, Ms Martin, 4 July 2018, p 9.

- 2.85** MusicNSW also provided significant input into this inquiry. MusicNSW was established in 1998, as a not-for-profit industry association that represents, promotes and develops the contemporary music industry in New South Wales.¹⁴⁰ MusicNSW offers skills and professional development programs for musicians and industry stakeholders, administers funding programs on behalf of Create NSW, and provides support, advice and referrals.¹⁴¹ MusicNSW expressed significant concern about the demise of the regional touring network, and emphasised the need for a contemporary music strategy to best support the industry.¹⁴²

Committee comment

- 2.86** The committee applauds the hard work and tenacity of the music industry in New South Wales. Despite the many challenges we examined throughout this inquiry, it was evident that New South Wales has talented artists and music professionals who work diligently to promote the contemporary music sector. However, the problem is clear – the grassroots music industry in New South Wales is floundering because of the numerous friction points within the contemporary music ecosystem, particularly the loss of the live music venues. The committee has made recommendations throughout this report to address these concerns.
- 2.87** The committee commends the invaluable work of MusicNSW, and of the Live Music Office in promoting venue-based live music, particularly the successful Live and Local initiative. The committee was disappointed to receive evidence that the Commonwealth Government had ceased funding the office, and recommends that Create NSW lobby its Commonwealth counterparts to reinstate this funding in recognition of its excellent work. The committee also recommends 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 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.

- 2.88** The committee also strongly encourages the House of Representatives Standing Committee on Communications and the Arts to investigate the future funding arrangements for the Live Music Office as part of its current inquiry into the Australian music industry.

¹⁴⁰ Submission 380, MusicNSW, p 1.

¹⁴¹ Submission 380, MusicNSW, p 1

¹⁴² Evidence, Ms Collins, 26 March 2018, p 33.

Chapter 3 The live music venue crisis

This chapter discusses the importance of live music venues to the music industry. It considers the apparent demise of live music venues and the consequences for contemporary music in New South Wales, including the destruction of career pathways for young performers, devastation of the touring network and adverse effects to Sydney's cultural reputation. It then considers the importance of live music venues in regional New South Wales. The chapter also considers the need for more youth venues, and discusses whether there is a link between live music and violence. The chapter discusses the impact of the imposition of gaming machines on live performance opportunities and considers calls to use revenue from these machines to support live music. The chapter concludes by considering opportunities support other small-medium sized cultural infrastructure, particularly council-operated facilities.

Importance of live music venues

3.1 Music is performed in various spaces, both large and small; privately, community or government operated, including purpose-built premises such as theatres, concert halls, and arenas; hotels and clubs; and public spaces. Many of these venues are not licensed, however, a great deal of evidence presented to the inquiry focused on live music in licensed premises, particularly pubs and clubs.

3.2 The committee heard that a thriving music industry is dependent on live music venues. Mr Dean Ormston, Chief Executive Officer of APRA AMCOS, explained that live performances provide revenue for performers and are the nexus between music creation and distribution:

For many of our members the ability to perform live is a critical part of the revenue mix. At the heart of the music industry ecosystem is the song, "No song, no music industry". Essentially the industry can be considered in terms of music creation and music performance or distribution, and live performance is at the nexus of the music industry bridging creation and distribution.¹⁴³

3.3 Similarly, the Live Music Office observed that live music venues are incubators for emerging artists and performers which allow them to hone their performance and develop an audience base:

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.¹⁴⁴

3.4 The committee also heard that live music venues are vital to the cultural fabric of an area. For example, the Oxford Art Factory stated:

¹⁴³ Evidence, Mr Dean Ormston, Chief Executive Officer, APRA AMCOS, 26 March 2018, pp 27-28.

¹⁴⁴ Submission 283, Live Music Office, p 9. Also see, Evidence, Mr Lachlan Macara, Content Manager, triple j Unearthed and Hack, triple j, 14 September 2018, p 39.

... live music venues ... provide vibrancy to our already beautiful city ... [and] a positive outlet for cultural expression and diversity. Live music venues are the epicenter of a structure that impacts local businesses as well as a quality of life. Music venues are economic indicators of the health of an area.¹⁴⁵

Closure of live music venues

- 3.5** A key focus of this inquiry was the closure of live music venues across Sydney. The committee heard the number of entertainment and drinks-related venues in Sydney has been declining since 2006.¹⁴⁶ However, as noted in Chapter 1, there was an increase in the number of venues in 2017.
- 3.6** The committee was informed by Ms Helen Marcou, Co-Founder, Save Live Australia's Music, that 176 venues have closed in Sydney since 2014.¹⁴⁷ The Lansdowne Fifteen and Ms Isabella Manfredi provided a list of key venues that have closed since 2014.

Table 1 List of venues that have closed in Sydney since 2014¹⁴⁸

Backroom	Drummoyne RSL	Kubrick's	Q Bar	The Standard
Bar Brose	Edison's Bar	Le Panic	Sapphire Lounge	The Victoria Room
Bar Century	Goldfish	Low 302	Spectrum 34B	Trademark
Bar Me	Good God Small Bar	Midnight Shift	Stanley's	Trunk Road
Baron's	Hazy Rose	Missy French	The Basement	Vegas Lounge
Beach Haus	Henrietta Supper Club	No Name's Restaurant	The Gaelic	Waterman's Lobster Co
Bouche on Bridge	Hinky Dinks	Old Growler	The Hopetoun	World Bar
Camperdown Bowls Club	Hugo's Lounge	Phoenix Lounge	The Lizard Lounge	yu/Soho
Candy's Apartment	Jimmy Liks	Piccolo's	The Passage	5 Boroughs
Deans at the Cross	Johnny Lobster	Piano Bar	The Spice Cellar	121 BC

¹⁴⁵ Submission 269, Oxford Art Factory, p 1.

¹⁴⁶ Submission 381, MEAA, p 4. Also see, Answers to questions on notice, City of Sydney, 4 May 2018, p 5.

¹⁴⁷ Evidence, Ms Helen Marcou, Co-Founder, Save Live Australia's Music, 28 May 2018, p 29.

¹⁴⁸ Answers to supplementary questions on notice, Lansdowne Fifteen, received 5 July 2018, pp 7-8; Answers to questions on notice, Ms Isabella Manfredi, Artist, received 22 June 2018, p 1.

Dragonfly	Johnny Wishbone's	Playa Takeria	The Sandringham (later Newtown Social Club)	
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- 3.7 In early March 2018, Oxford Art Factory observed that The Standard, Oxford Circus, FBi Social and Brighton Up Bar have also closed or were operating at limited capacity, thus only three small live music venues remained in the Sydney CBD; the Oxford Art Factory, Hudson Ballroom and The Basement.¹⁴⁹
- 3.8 However, in April 2018, The Basement closed.¹⁵⁰ Ms Linda Scott, President of Local Government NSW, described the closure of The Basement as a 'devastating loss for Sydney'.¹⁵¹ The case study below details the demise of The Basement.

Case study: The Basement¹⁵²

The Basement was an iconic live music venue in Sydney that had hosted gigs by Prince, Dizzy Gillespie, De La Soul, and Ben Harper.

The Basement had operated within premises at 7 Macquarie Place since 1992. The site is owned by UniSuper and has been managed by AMP Capital since 2000.

In April 2013, The Basement operators signed a 10-year lease, however, this lease was surrendered in April 2018. Prior to The Basement's surrender of its lease, AMP Capital had worked with its operators for some time to explore options for The Basement to stay in the premises. In a public statement The Basement indicated that the space at 7 Macquarie Place was no longer workable for the business and they preferred to find a permanent, more suitable location.

AMP Capital has since commenced and concluded an expressions of interest campaign to lease the space which has attracted inquiries from live music, food and beverage operators. As at July 2018, AMP Capital had received expressions of interest from eight operators, seven of which have proposed the continued use of the space (or part thereof) for live music.

Significantly, an application has been made to retain the full hotel liquor licence for the premises, which will facilitate a new live music operation if it were successful in the expression of interest campaign.

AMP Capital acknowledged that The Basement has operated since 1973, and hosted live music at the 7 Macquarie Place venue for more than 20 years; as such there is a unique goodwill associated with the venue for live music operators. Indeed, AMP Capital was optimistic that the venue will be attractive to a number of live music operators.

AMP Capital ruled out using the space for offices or apartments.

¹⁴⁹ Submission 269a, Oxford Art Factory, p 2.

¹⁵⁰ Time Out, 'The Basement confirms it's closing its doors from tomorrow', 4 April 2018, <https://www.timeout.com/sydney/news/the-basement-confirms-its-closing-its-doors-from-tomorrow-040418-1>.

¹⁵¹ Evidence, Ms Linda Scott, President, Local Government NSW, 26 March 2018, p 21.

¹⁵² Evidence, Mr Luke Briscoe, Managing Director, AMP Capital, Office & Industrial, 28 May 2018, pp 25-28 p 24; Answers to questions on notice, AMP Capital, received 12 July 2018, pp 1-2..

3.9 Stakeholders suggested that various factors have contributed to the decline in the number of venues, including:

- the impact of the lockout laws (examined in the following section)
- increasing urbanisation both in city and industrial areas¹⁵³ (examined in Chapter 6)
- land use conflict, that is competing and often unresolved, tension between venues, other developments and residents¹⁵⁴ (examined in Chapter 6)
- the inflexibility of current land zoning conditions¹⁵⁵ (examined in Chapter 6)
- the complexity of liquor licensing regulations (examined in Chapter 7)
- the complexity of noise regulations¹⁵⁶ (examined in Chapter 8).

Committee comment

3.10 The committee finds that New South Wales has a music venue crisis. The causes of this crisis are complex, but it is impacting negatively on the grassroots music scene in New South Wales, and on the national and regional touring circuits.

Finding 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.

Response to closure of live music venues

3.11 Stakeholders' proposals to overcome these concerns are discussed throughout the report. However, one suggestion that is pertinent at this time, was the proposal to identify live music venues as assets of community value.¹⁵⁷ The Media, Entertainment and Arts Alliance and Live

¹⁵³ Evidence, Mr Tyson Koh, Campaign Director, Keep Sydney Open, 24 August 2018, p 56. Also see, Evidence, Mr Dave Falkner, Musician, Hoodoo Gurus, 26 March 2018, p 29; Evidence, Mr Michael Rose, Chair, Committee for Sydney, 26 March 2018, p 50; Submission 36, Darlinghurst Business Partnership, p 2; Submission 381, MEAA, p 2; Submission 270, Red Rattler Theatre, p 2; Submission 3, Inner West Council, p 3; Evidence, Clr Jess Scully, Councillor, City of Sydney, 26 March 2018, p 15; Evidence, Mr Greg Carey, Artist Manager, The Rubens, and Co-chair, Association of Artist Managers, 24 August 2018, p 34.

¹⁵⁴ Submission 283, Live Music Office, p 3.

¹⁵⁵ Evidence, Ms Linda Scott, President, Local Government NSW, 26 March 2018, p 22; Evidence, Ms Ann Martin, Artist Planner and Cultural Planner, 4 July 2018, p 10; Submission 211, Penrith City Council, p 2.

¹⁵⁶ Evidence, Mr Ian Rhodes, Community Planning Coordinator, Newcastle City Council, 23 August 2018, p 3.

¹⁵⁷ Submission 381, MEAA p 9; Submission 377, Live Nation Entertainment p 3.

Nation Entertainment noted that this approach has been taken in London to halt the decline of live music venues in the city.¹⁵⁸

3.12 The committee heard that in accordance with the *Localism Act 2011* (United Kingdom), councils can identify and maintain a list of community assets, including pubs, and communities can protect these premises:

... the *Localism Act 2011* provides for district and unitary councils to maintain a list of assets of community value, which can be either land or buildings, nominated by local community groups or parish councils. When listed assets come up for sale or change of ownership, the Act gives local community groups the time to develop a bid and raise the money to bid to buy the asset when it comes on the open market.

The Government has said the aim of the measure is "...to give many more communities the opportunity to take control of assets and facilities in their neighbourhoods by levelling the playing field [and] by providing the time for them to prepare a proposal".¹⁵⁹

3.13 In response to concerns about the closure of live music venues, Liquor & Gaming NSW provided the tables below detailing the number of premises in the Sydney CBD and Kings Cross precincts that, as at 17 April 2018, had closed since 1 February 2014, and the numbers of licensed premises that had opened within the Sydney CBD and Kings Cross precincts since 1 February 2014.

Table 2 Numbers of licensed premises located in the Sydney CBD or Kings Cross precincts have closed since 1 February 2014

Licence Type	Cancelled	Surrendered	Ceased to Trade	Recommended Trade
Liquor - club licence	4	3	3	0
Liquor - hotel licence	7	6	15	12
Liquor - limited licence	2	0	0	0
Liquor - on-premises licence	330	34	60	36
Liquor - packaged liquor licence	8	5	2	0
Liquor - producer wholesaler licence	33	0	1	0
Liquor - small bar licence	3	0	1	0
Total	387	48	82	48

Answers to supplementary questions on notice, NSW Government, received 2 May 2018, p 13.

The high number of 'cancelled' licenses reflects a shift from a perpetual to an annual liquor licence scheme in 2015. Many licences were not being utilised (often for many years) but had never lapsed. In effect, the introduction of an annual fee resulted in an accurate picture of the actual number of operating licences being established.

'Ceased to Trade' & 'Recommended Trade' figures are indicative only. Liquor & Gaming NSW can only quote instances where it has been advised that a venue has ceased (or recommenced) trade.

¹⁵⁸ Submission 381, MEAA pp 7-8; Submission 377, Live Nation Entertainment p 3.

¹⁵⁹ Answers to questions on notice, Create NSW, received 17 October 2018, p 7.

Table 3 Numbers of licensed premises have opened within the Sydney CBD or Kings Cross precincts since 1 February 2014

Licence Type	Licence Count
Liquor - club licence	0
Liquor - hotel licence	0
Liquor - limited licence	3
Liquor - on-premises licence	208
Liquor - packaged liquor licence	1
Liquor - producer wholesaler licence	11
Liquor - small bar licence	34
Total	257

Answers to supplementary questions on notice, NSW Government, received 2 May 2018, p 14.

- 3.14** The government advised that it is difficult to determine why live music venues are closing. Mr Paul Newson, Deputy Secretary of Liquor and Gaming NSW and Office of Racing, explained that a confluence of factors may be responsible for a venue shutting its doors:

... it is very easy to deliver a sound bite and to make representations that X law or intervention has caused this venue to close. However, often when you peel that back a complexity of issues have caused difficulties for a venue for year after year. It might well be that the confluence of all of that has caused a decline in revenue or profitability and so on. It is difficult ... to make informed comments about a venue ... [as] there is often, if not always, a complexity of variables that impact on it.¹⁶⁰

The effect of lockouts on live music venues

- 3.15** Notwithstanding the earlier discussion that various factors impacted the viability of live music venues, there was strong sentiment amongst certain inquiry participants that the imposition of the lockout laws in 2014 had overwhelmingly been a contributing factor to the closure of live music venues in the affected precincts.¹⁶¹ For example, MusicNSW said that the lockout laws have made it 'near impossible' for small-medium venues to be viable thus venues have closed.¹⁶²
- 3.16** Likewise, Ms Amy Burrows stated: 'Prior to the lock out laws Sydney had a thriving gig scene. There were multiple venues catering to a range of scenes. Since the lock out laws, not only have the number of venues dramatically decreased, there is no longer the variety of capacity for venues'.¹⁶³

¹⁶⁰ Evidence, Mr Paul Newson, Deputy Secretary, Liquor and Gaming NSW and Office of Racing, 26 March 2018, pp 10-11.

¹⁶¹ Submission 284, Keep Sydney Open, p 4; Submission 131, Ms Georgina Reed, p 1; Submission 90, Mr Andrew Thompson, p 1; Submission 375, Future Classic, p 1; Submission 283, Live Music Office, p 30

¹⁶² Submission 380, MusicNSW, p 4.

¹⁶³ Submission 143, Ms Amy Burrows, p 1.

3.17 According to stakeholders, a related concern was that the implementation of the lockout laws had significantly reduced the ability of certain venues to host live music. For example, Ms Justine Baker, Chief Executive Officer of Solotel, told the committee that since the lockouts, the Kings Cross Hotel had to drastically cut its live music program:

Since the lockouts, our weekly DJ slots [at the Kings Cross Hotel] 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.¹⁶⁴

3.18 The committee heard that a further concern was that the decreased foot-traffic in lockout precincts,¹⁶⁵ has had an 'unspeakable' impact on how venues, such as the Oxford Art Factory operate, as these venues can no longer afford to have unsuccessful or poorly attended nights thus are less able to take risks on unestablished bands and emerging artists.¹⁶⁶

3.19 Oxford Art Factory said that its revenue had declined 40 per cent since 2014 leading to 'very great concern to the ongoing viability' of the venue.¹⁶⁷ Oxford Art Factory emphasised there would be significant cultural and economic ramifications should it close.¹⁶⁸

3.20 Big Ting Recordings, a group of Sydney-based music producers, DJs and promoters, said that the lockout laws put 'the nail in the coffin' of Sydney's live music scene:

Since the lockout laws came into play, there has been dramatic drops in patrons going out of a night. In a business which was already economically unpredictable and volatile, this has put a nail in the coffin, with many Sydney promoters taking huge risks with events they hold, and more usually than not, losing money on these nights.¹⁶⁹

3.21 MusicNSW concluded that the lockout laws have 'destabilised' the contemporary music sector in New South Wales,¹⁷⁰ and argued that without 'significant support' from the government, the future for the state's artists and industry is 'very bleak'.¹⁷¹

3.22 There were calls from some inquiry participants to amend,¹⁷² or repeal¹⁷³ the lockout laws, as a means of reinvigorating the Sydney night-time economy.

¹⁶⁴ Evidence, Ms Justine Baker, Chief Executive Officer, Solotel Group, 26 March 2018, p 40.

¹⁶⁵ Submission 284, Keep Sydney Open, p 4; Submission 252, Sydney Small Bars, p 1; Submission 269b, Oxford Art Factory, p 2.

¹⁶⁶ Submission 269a, Oxford Art Factory, p 2.

¹⁶⁷ Submission 269, Oxford Art Factory, p 2.

¹⁶⁸ Submission 269, Oxford Art Factory, p 2.

¹⁶⁹ Submission 43, Big Ting Recordings, p 1.

¹⁷⁰ Submission 380, MusicNSW, p 4.

¹⁷¹ Submission 380, MusicNSW, p 3.

¹⁷² Submission 230, Association of Australian Musicians, p 3; Evidence, Cllr Declan Clausen, Deputy Mayor, Newcastle City Council, 23 August 2018, p 5.

¹⁷³ Submission 373, Australian Taxpayers Alliance, p 9; Submission 43, Big Ting Recordings, p 1; Submission 52, Mr Jordy McIntyre, p 1.

- 3.23** There was support for the lockouts from certain groups. For example, the Police Association of NSW noted that in 2010, a survey of 932 respondents conducted by Essential Research found 80 per cent supported mandatory cessation of service. Moreover, the Police Association of NSW observed that support was strongest in New South Wales at 85 per cent.¹⁷⁴
- 3.24** The Police Association of NSW argued that opponents of the lockouts are 'mainly patrons who are dissatisfied with being unable to attend premises at times they would otherwise choose to do so, or business owners concerned that less people will attend entertainment precincts'.¹⁷⁵ However, noted the '... Callinan Review found these consequences are legitimate objectives of alcohol regulation and harm minimisation strategies'.¹⁷⁶
- 3.25** The NSW Police Force and the Police Association of NSW also noted the significant decline in alcohol-related violence in the Sydney CBD and Kings Cross precincts since the introduction of the lockout laws.¹⁷⁷
- 3.26** 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.¹⁷⁹
- 3.27** However, there was some concern from stakeholders that extending the trading time for certain venues, rather than all venues, was an ineffective means of increasing patron numbers and sales. For example, the committee received evidence that extending the opening time for small bars until 2 pm had resulted in minimal economic benefits for these venues. The NSW Independent Bars Association (formerly Sydney Small Bars) stated that 'in the absence of a vibrant nightlife scene [many small bars] do not wish to trade through to 2AM as it would not be economically viable'.¹⁸⁰
- 3.28** The Oxford Art Factory expressed a similar concern, noting that extending trade until 2 am had had no impact on its business:

The change to our trading hours has seen no benefit whatsoever to the business. There has been no increase in trade or attendance, in fact we are still very much on the same downward spiral as we were prior to it being granted. The reason is that the public perception of the entire Oxford Street precinct continues to be one of closure at 1:30am...a no-go zone for any late-night activities and not worth going to anymore. Oxford Street nowadays starts to look like a ghost town after midnight on weekends, after 1:30AM you can count the foot traffic on one hand ... To my knowledge, no small bars have taken up the opportunity to extend their trading to 2am ...¹⁸¹

¹⁷⁴ Submission 419, Police Association of NSW, p 5.

¹⁷⁵ Submission 419, Police Association of NSW, p 5.

¹⁷⁶ Submission 419, Police Association of NSW, p 5..

¹⁷⁷ Evidence, Mr Mark Walton, Assistant Commissioner, NSW Police Force, 28 May 2018, p 14. Submission 419, Police Association of NSW, p 1.

¹⁷⁸ Media Release, the Hon Paul Toole MP, Minister for Racing, Media Release, 'Sydney Liquor Licence Freeze To Be Eased'.

¹⁷⁹ Evidence, Ms Alex O'Mara, Deputy Secretary, Create NSW, 27 September 2018, p 2.

¹⁸⁰ Submission 252, Sydney Small Bars, p 1.

¹⁸¹ Submission 269, Oxford Art Factory, p 2.

3.29 In response to concerns about the impact of the lockouts on Sydney's night-time economy, the NSW Government argued that the city's nightlife remains vibrant and disputed the correlation that all of the venues closed due to the imposition of the lockout laws. Mr Paul Newson, Deputy Secretary of Liquor & Gaming NSW advised:

There is no doubt and no disputing that venues close, there is a venue churn and that a number of venues closed as a result of our intervention in Kings Cross and, more modestly, in the Sydney central business district [CBD] precinct. I certainly do not cavil with that. As to what the reasons were for those closures, it is all too easy to make an ambit claim that "venue X closed because of the lockout laws."¹⁸²

3.30 Inquiry participants emphasised that once live music venues in Sydney close, they often do not re-open as creative spaces. For example, Mr Nicholas Drabble and Mr Stuart Turner, who perform together as Set Mo, informed the committee that many of venues they previously performed such as Cuba, Moulin Rouge, Dragonfly, Favela, Goldfish, Beach Haus, Trademark, Piano Room, Kit and Kaboodle, the BackRoom, and Ruby Rabbit, closed and no longer host live music.¹⁸³

3.31 Ms Kristy Lee Peters, who performs as KLP, told the committee that many live music venues in Sydney have closed, and when they have re-opened they often no longer host music venues 'because they have either lost their licences or have had to change'. Ms Peters noted that one former live music venue in Kings Cross has become a bowling alley.¹⁸⁴

3.32 Likewise, the NSW Police Force stated: 'I would say I have a sense that the live music industry in Sydney has not just suffered at the hands of those regulatory changes [the lockout laws]; it has been an incremental pressure really on those venues for a long time and it is around the commercial viability of those premises'.¹⁸⁵

Newcastle lockouts

3.33 Lockouts also operate in Newcastle. However, inquiry participants appeared to be less concerned with the impact of these provisions on the viability of live music venues. For example, Mr Grant Walmsley of The Screaming Jets stated:

... lockout laws are probably more relevant in Sydney than they are here [Newcastle]. I do not believe that there is problem with lockout laws and music here to be truthful with you. I certainly as a musician do not want to play on a stage after midnight for many reasons, which I will not go into.¹⁸⁶

3.34 Mr Ian Lobb, Owner and Licensee of the Lass O'Gowrie Hotel, imposed a lockout on his venue in Wickham and suggested that the legally enforceable lockouts in Newcastle may have helped his business:

¹⁸² Evidence, Mr Paul Newson, Deputy Secretary, Liquor & Gaming NSW, and Office of Racing, 14 September 2018, p 27.

¹⁸³ Evidence, Mr Nicholas Drabble, Artist, Set Mo, and Mr Stuart Turner, Artist, Set Mo, 28 May 2018, p 37.

¹⁸⁴ Evidence, Ms Kristy Lee Peters, Artist, 24 August 2018, p 32.

¹⁸⁵ Evidence, Mr Mark Walton, Assistant Commissioner, NSW Police Force, 28 May 2018, p 17.

¹⁸⁶ Evidence, Mr Grant Walmsley, Artist, The Screaming Jets, 23 August 2018, p 22.

The lockout when it happened did not include me. I put on a voluntary lockout because I was getting all the ones who got locked out, they were coming down to Wickham. I said, "I don't want this. They are not here for the music. They are just here to play and make trouble." It was 1.30 a.m. in town and we went to 1.00 a.m. without lockout. It was a totally voluntary lockout. We can let people in anytime we want. We have not got that restriction. It was probably good for the Lass when they locked out in town because when we had people watching the bands and music they decided it was not that bad a place to stop, instead of moving on and traversing all over town.¹⁸⁷

- 3.35** Alternatively, Mr Spencer Scott, a musician from Newcastle that lockouts have made it more difficult for venues to trade and have adversely impacted their capacity to host live music.¹⁸⁸

Committee comment

- 3.36** The committee believes that Sydney, and New South Wales, has a music venue crisis.
- 3.37** The committee acknowledges that live music venues play a vital role in supporting the development of musicians in New South Wales. Performance opportunities provide a critical revenue stream to musicians and allow them to hone their performance and develop an audience. Consequently, the committee recognises that the loss of live music venues is detrimental to the social and economic health of the state.
- 3.38** The committee notes that having so many types of venues for live performance makes it inherently difficult to develop and implement an efficient regulatory system. We anticipate that the recommendations we make throughout this report, particularly in relation to cutting red tape in the planning and licensing frameworks, will support the establishment and sustainability of live music venues across the state.
- 3.39** The committee recognises that it is difficult to get a clear understanding of the number of live music venues in Sydney. There does not appear to be a central register for these venues. We recommend that Create NSW fund MusicNSW to conduct a live music venue census every two years.

Recommendation 14

That Create NSW fund MusicNSW to conduct a live music venue census every two years.

- 3.40** We recognise that a lot of evidence received by the committee spoke to the negative impact that the Sydney lockout laws have had on live music venues and performers. Evidence provided to the committee from many stakeholders, including venue owners and prominent musicians, clearly indicates that lockout laws have contributed to a reduction of live music bookings, a contraction of the live music scene and the closure of numerous live music venues in inner Sydney.
- 3.41** The committee is concerned about the impact that the closure of The Basement will have on the live music scene in Sydney. The Basement was one of the very few small-medium sized live

¹⁸⁷ Evidence, Mr Ian Lobb, Owner and Licensee, Lass O'Gowrie, 23 August 2018, p 14.

¹⁸⁸ Evidence, Mr Spencer Scott, Musician 23 August 2018, p 30.

music venues remaining in the city, and as we heard throughout this inquiry without venues Sydney will be bereft of culture. We note the expression of interest process for the premises has concluded and look forward to being informed on the successful tenderer.

- 3.42 To ensure that Sydney has a thriving live music scene, the committee believes it is imperative that the government takes a strong stance to promote cultural pursuits in the city. In Chapter 6, the committee has stated that it considers it vital to maintain entertainment options in the city and recommends developing a hybrid planning model that combines planned entertainment precincts and the agent of change. The committee anticipates that implementing this type of approach will help to stop the decline in live music venue numbers. In the meantime, the committee recommends that Create NSW and the Cultural Infrastructure Program Management Office reflect on the factors that contributed to the closure of The Basement and consider opportunities to support and enhance Sydney's small to medium sized venues.

Recommendation 15

That Create NSW and the Cultural Infrastructure Program Management Office reflect on the factors that contributed to the closure of The Basement and consider opportunities to support and enhance Sydney's small to medium sized venues.

- 3.43 The committee notes the approach taken in London to protect certain live music venues through identifying these premises as assets of community value. As we discuss throughout this report, the committee is open to investigating all options to ensure the vitality of the live music industry across the state. While we did not receive sufficient evidence to recommend adopting this approach, we recommend that the NSW Department of Planning and Environment investigate the viability of identifying New South Wales live music venues as assets of community value, similar to the approach taken in London.

Recommendation 16

That the NSW Department of Planning and Environment investigate the viability of identifying New South Wales live music venues as 'assets of community value', similar to the approach taken in London.

Consequences following from the closure of live music venues

- 3.44 Stakeholders expressed significant concerns about the consequences arising from the closure of live music venues, including the destruction of career pathways for musicians, devastation of the touring network and adversely affects to Sydney's cultural reputation.
- 3.45 The case study below discusses the concerns of KLP, a Sydney artist who expressed concern about the closure of live music venues in the city and the impact it has had on the city's live music scene.

Case study: KLP¹⁸⁹

Ms Kristy Lee Peters, who performs as KLP, feels fortunate to have had a creative upbringing. Ms Peters started performing at a young age, signed a major record deal at 13, and has travelled around Australia singing with a variety of different bands.

After kicking off her career in Sydney, Ms Peters is now an internationally signed songwriter and DJ. When starting her career, Ms Peters recalls Sydney's thriving night life, jumping from venue to venue in a night by foot to perform, the city abuzz with a community of creatives. Now Ms Peters describes seeing venue after venue she used to play in being shut down or struggling.

With no strict university degree or clear pathway for musicians to prepare for their career, Ms Peters fears losing the next wave of talent through the lack of opportunities and support. Ms Peters is concerned about the reputational loss of Sydney as a live music city with musicians moving interstate and overseas. Ms Peters describes herself as a fighter though, passionate about rebuilding Sydney for the younger generation.

Destroying career pathways for musicians

- 3.46** As previously noted, small venues incubate and support new and emerging talent. Consequently, many stakeholders expressed concern that when these venues close there are less opportunities for artists to perform, ultimately undermining career pathways for musicians and the contemporary music industry more generally.¹⁹⁰ For example, MusicNSW said that the closure of venues has limited performance opportunities for emerging and local artists:

... there are fewer performance opportunities for young, emerging and local artists, ensuring the disruption of pathways or development for our NSW musicians. These pathways are crucial, not just for the artists but for the industry as a whole, as entire businesses are centred around the development of artistic careers.¹⁹¹

- 3.47** Likewise, Ms Amy Burrows stated: 'Most often the smaller venues can't afford to stay open which cuts any new emerging bands out of playing. This effectively has wiped out a whole generation of young bands and audiences'.¹⁹²

- 3.48** This was especially the case for electronic artists, who certain inquiry participants argued are most affected by the closure of venues in Kings Cross.¹⁹³ For example, Ms Jane Slingo, Executive Producer of Electronic Music Conference, remarked:

Today we are seeing many international success stories about electronic music artists who started and developed their careers in Sydney—Flume, Alison Wonderland, RUFUS, WhatSoNot, Anna Lunoe, Flight Facilities ... Over the past four years we have

¹⁸⁹ Evidence, Ms Kristy Lee Peters, Artist, KLP, 24 August 2018, pp 29-34.

¹⁹⁰ Evidence, Mr Ormston, pp 27-28; Submission 384, Tempting Eve, p 1; Submission 227, Jazz Village, p 1; Evidence, Mr Julian Knowles, Chair, MusicNSW, 26 March 2018, p 35; Answers to questions on notice, City of Sydney, 4 May 2018, p 4.

¹⁹¹ Submission 380, MusicNSW, p 4.

¹⁹² Submission 143, Ms Amy Burrows, p 1.

¹⁹³ Evidence, Ms Anna Burns, General Manager, Future Classic, 26 March 2018, pp 75-76; Evidence, Mr Stuart Turner, Artist, Set Mo, 28 May 2018, p 39.

steadily experienced an alarming decline of venues and opportunities for young emerging artists to flourish in New South Wales, just like those artists once had here.¹⁹⁴

- 3.49** Future Classic told the committee that Flight Facilities, one of Australia's most successful electronic duos from Sydney, said: 'Simply put, if you're a DJ in Sydney hoping to start a career, don't follow our path. It has been demolished ...'.¹⁹⁵
- 3.50** In fact, artists, such as Flight Facilities and Ms Isabella Manfredi of The Preatures, were unsure if they would be successful in the current climate following the closure of so many small live music venues.¹⁹⁶
- 3.51** The case study below describes the experience of Set Mo, a successful electronic music duo who started working in Sydney's clubs and have gone on to find international success. The pair expressed concern that aspirant electronic musicians will not have the same opportunities to perform as many of the venues they used to play at have closed.¹⁹⁷

Case study: Set Mo¹⁹⁸

Mr Stuart Turner and Mr Nicholas Drabble perform as electronic music duo Set Mo. Around ten years ago, Mr Turner and Mr Drabble started their careers as DJs, playing at venues in and around Sydney's CBD, particularly Kings Cross. Once they started performing together, they were both able to DJ fulltime in Sydney - playing between five and 10 DJ sets a week - which allowed them to hone their skills and provided them with funds to invest in their other creative projects.

Since the implementation of the lockout laws in 2014, many of the venues Set Mo played in have closed, including Moulin Rouge, Dragonfly, Favela, Goldfish, Beach Haus, Trademark, Piano Room, and Ruby Rabbit. Set Mo believed the closure of these venues has caused the city's once thriving night-time to slowly die.

However, Set Mo's greatest concern is that the next generation of electronic artists will be deprived of inspiration and motivation to pursue a career in the music industry. Indeed, the duo noted that their career path would no longer be viable in Sydney.

- 3.52** The committee heard similar concerns from electronic duo Client Liaison. Their story is detailed in the case study below.

¹⁹⁴ Evidence, Ms Jane Slingo, Executive Producer, Electronic Music Conference, 28 May 2018, p 35. Also see, Evidence, Ms Anna Burns, General Manager, Future Classic, 26 March 2018, p 75.

¹⁹⁵ Evidence, Ms Anna Burns, General Manager, Future Classic, 26 March 2018, p 75.

¹⁹⁶ Evidence, Ms Anna Burns, General Manager, Future Classic, 26 March 2018, pp 75-76; Evidence, Ms Isabella Manfredi, 28 May 2018, p 22. Also see, Evidence, Mr Stuart Turner, Artist, Set Mo, 28 May 2018, p 39.

¹⁹⁷ Evidence, Mr Nicholas Drabble, Artist, Set Mo, 28 May 2018, p 36.

¹⁹⁸ Evidence, Mr Nicholas Drabble, Artist, Set Mo, 28 May 2018, pp 35-40; Evidence, Mr Stuart Turner, Artist, Set Mo, 28 May 2018, pp 35-40.

Case study: Client Liaison¹⁹⁹

Mr Monte Morgan and Mr Harvey Miller perform as internationally renowned electronic music duo, Client Liaison.

The pair first played in Sydney at Goodgod Small Club. This club has since closed, but Client Liaison remember it fondly as a hub of creative energy, where you could see interesting acts and enjoy underground music. Most importantly, it provided a place where emerging performers could play and practice their craft. However, since its demise and the closure of similar venues, there is a significant lack of suitable venues for these types of acts.

According to Client Liaison, Sydney is facing a dire situation, without small venues popping up musicians do not have a place to thrive and create music, nor to create scenes and build international interest.

Client Liaison now play much bigger shows. However, this presents its own challenges, as theatres are expensive, and while its often profitable for the pair to DJ at a venue after the show, this can be difficult in Sydney where 1.30 am lockouts are in place. Client Liaison expressed concern that given the state of venues they would not have been able to develop their career in the same way.

- 3.53** A further concern expressed by certain inquiry participants was that Sydney has an insufficient number of intermediate sized venues, thus performers either play in smaller venues or are forced to take on significant risk by playing venues that are larger than they might be ready for.²⁰⁰ For example, the City of Sydney quoted a study it had commissioned from the University of Tasmania's study into the social and economic impact of live music venues which concluded:

[P]romoters and managers commented on a lack of smaller and intermediate (200-300 capacity) venues in the City of Sydney. In particular there was a perceived lack of incubator venues offering incidental live music that serve as key developmental steps in the careers of emerging performers and promoters; and that feed talent and audiences into larger venues. [...] It was noted that, particularly in the absence of more intermediate sized venues, performers are either constrained by playing smaller venues than they may be able to fill, or are forced to take on significant risk by playing venues that are larger than they might be ready for.²⁰¹

- 3.54** Mr Dan Rosen, Chief Executive of ARIA, explained that this was problematic '... the best acts are the ones that develop slowly. They go from playing to friends, to 50 people, to 100 people, to 500 people, to 1,000 and 10,000. You need venues in all those sizes to be able to pursue that'.²⁰²

¹⁹⁹ Evidence, Mr Monte Morgan, Client Liaison, 7 August 2018, pp 45-48; Evidence, Mr Harvey Miller, Client Liaison, 7 August 2018, pp 45-48.

²⁰⁰ Evidence, Mr Julian Knowles, Chair, MusicNSW, 26 March 2018, pp 35-36; Evidence, Ms Jane Slingo, Executive Producer, Electronic Music Conference, 28 May 2018, p 39; Evidence, Mr Greg Khoury, Century Venues, 26 March 2018, p 71; Submission 269a, Oxford Art Factory, p 1.

²⁰¹ Answers to questions on notice, City of Sydney, 4 May 2018, p 4.

²⁰² Evidence, Mr Dan Rosen, Chief Executive Officer, ARIA, 28 May 2018, p 22.

- 3.55** According to Ms Kerri Glasscock, Chief Executive Officer of Sydney Fringe Festival, another related concern was that the lack of venues has led to a need for greater curatorial control which restricts opportunities for new and emerging artists and experimentation.²⁰³

Devastating the national touring network

- 3.56** Stakeholders expressed significant concern that the closure of live music venues in Sydney was irreparably harming the music touring circuit. For example, Ms Collins stated: 'the touring circuit in New South Wales is really struggling'.²⁰⁴ Ms Collins explained that Sydney was 'absolutely' the backbone of the New South Wales touring circuit and without suitable venues it is not possible to get multiple gigs.²⁰⁵
- 3.57** Likewise, Ms Helen Marcou, Co-Founder of Save Live Australia's Music, said that Sydney has become the 'broken link' in the touring circuit, making it difficult if not untenable, to piece together a run of dates along the coast for Australian and certain international bands.²⁰⁶ The effect is that bands based in cities like Melbourne and Brisbane lack opportunities to tour in Sydney due to the limited number of small-medium venues.
- 3.58** Mr Julian Knowles, Chair of MusicNSW, concurred, saying that the closure of venues has hastened the demise of the touring network and undermines the development of audiences.²⁰⁷
- 3.59** According to Mr Mat Morris, General Manager of North Byron Parklands, a related concern was that the lack of venues in Sydney makes it 'terribly difficult' to source acts for festivals as artists are unable to book sideshows.²⁰⁸

Adversely affecting Sydney's cultural reputation

- 3.60** There was also concern amongst inquiry participants about the cultural impact from loss of venues.²⁰⁹ Ms Linda Scott, President of Local Government NSW, commented that the closure of live music venue moves the city 'closer towards the death of live music in Sydney'.²¹⁰

²⁰³ Evidence, Ms Kerri Glasscock, Chief Executive Officer, Sydney Fringe Festival, 26 March 2018, p 65.

²⁰⁴ Evidence, Ms Emily Collins, Managing Director, MusicNSW, 26 March 2018, p 35.

²⁰⁵ Evidence, Ms Emily Collins, Managing Director, MusicNSW, 26 March 2018, p 35.

²⁰⁶ Evidence, Ms Helen Marcou, Co-Founder, Save Live Australia's Music, 28 May 2018, p 30; Evidence, Mr Dan Rosen, Chief Executive Officer, ARIA, 26 March 2018, p 63; Evidence, Ms Emily Collins, Managing Director, MusicNSW, 26 March 2018, p 35; Evidence, Mr Patrick Donovan, Chief Executive Officer, Music Victoria, 7 August 2018, p 14.

²⁰⁷ Evidence, Mr Julian Knowles, Chair, MusicNSW, 26 March 2018, p 35.

²⁰⁸ Evidence, Mr Mat Morris, General Manager, North Byron Parklands, 31 July 2018, p 24.

²⁰⁹ Evidence, Mr Michael Rodrigues, Managing Director, Time Out Australia, 26 March 2018, p 41; Evidence, Ms Justine Baker, Chief Executive Officer, Solotel, 26 March 2018, p 39; Evidence, Mr Tyson Koh, Campaign Director, Keep Sydney Open, 24 August 2018, p 58; Submission 373, Australian Taxpayers Alliance, p 1.

²¹⁰ Evidence, Ms Linda Scott, President, Local Government NSW, 26 March 2018, p 24. Also see, Submission 284, Keep Sydney Open, p 5.

- 3.61** Similarly, Ms Marcou and other inquiry participants, told the committee that the lack of performance opportunities has led to a 'cultural drain' with many musicians and music professionals leaving Sydney, often for Melbourne.²¹¹ Ms Manfredi described musicians as 'fleeing' to Melbourne.²¹²
- 3.62** Mr Scott Baldwin from The Rubens, stated that '... international people who are on that side of art and music and being creative, they would much rather go down to Melbourne.... if The Rubens were starting out today I do not know where we would be or if that would even happen in the kind of environment that we have now.'²¹³
- 3.63** Ms Kristy Lee Peters, who performs as KLP, stated: 'Many successful musicians move overseas because there is not much left here to nourish a creative career. It is not only hard enough to make an income, but there is a lack of inspiration and support systems in place to progress so you can make a mark on an international level.'²¹⁴
- 3.64** Sonos Australia, Live Nation Entertainment and Time Out Australia, noted that the decline in live music venues means less locally produced work which will lead to a loss of community and identity.²¹⁵
- 3.65** Mr Knowles reflected that Melbourne, unlike Sydney, has branded itself a city of arts and culture: '... I think, the other thing in terms of what Melbourne does well is it has decided that it wants to be a city of arts and culture. Sydney I do not think has taken that kind of step'.²¹⁶ Mr Knowles suggested that Sydney needs to decide whether it would like to take a similar approach:
- It is about the discourse, it is about the kind of conversation that is propagated around the city in terms of its visitation profiling and its branding but also around the sort of level of government support that is then put into mobilising this through specific funding initiatives to actually activate and mobilise.²¹⁷
- 3.66** There was also concern about Sydney's international reputation. For example, the committee heard that the lack of live music venues adversely impacted Sydney's branding as a vibrant city, its tourism and leisure industries and international image more broadly.²¹⁸
- 3.67** Ms Manfredi cautioned that following the closure of so many live music venues 'Sydney has become a laughing stock. That is really the crux of it. It has become an international joke and the butt of international jokes'.²¹⁹

²¹¹ Evidence, Ms Helen Marcou, Co-Founder, Save Live Australian Music, 28 May 2018, pp 30-31; Also see, Mr Matthew Rogers, Chief Operating Officer, UNIFIED Music Group, 8 August 2018, p 23; Evidence, Cllr Jess Scully, Councillor, City of Sydney, 26 March 2018, p 17; Submission 233, Central Station Records, p 1.

²¹² Evidence, Ms Isabella Manfredi, Artist, The Preatures, 28 May 2018, p 23.

²¹³ Evidence, Mr Scott Baldwin, Artist, The Rubens, 24 August 2018, p 30.

²¹⁴ Evidence, Ms Kristy Lee Peters, Artist, 24 August 2018, p 29.

²¹⁵ Submission 378, Sonos Australia, Live Nation Entertainment and Time Out Australia, p 2.

²¹⁶ Evidence, Mr Julian Knowles, Chair, MusicNSW, 26 March 2018, p 37.

²¹⁷ Evidence, Mr Julian Knowles, Chair, MusicNSW, 26 March 2018, p 37.

²¹⁸ Submission 373, Australian Taxpayers Alliance, p 2; Submission 43, Big Ting Recordings, p 1.

²¹⁹ Evidence, Ms Isabella Manfredi, Artist, The Preatures, 28 May 2018, p 24.

- 3.68** Likewise, Mr Nicholas Drabble and Mr Stuart Turner who perform together as Set Mo, noted that music professionals overseas know that Sydney's music scene is 'struggling'.²²⁰
- 3.69** The case study below described the concerns of Mr Scott Baldwin who noted that international artists discuss the lack of night-life in Sydney.

Case study: Mr Scott Baldwin²²¹

Mr Scott Baldwin is the drummer for New South Wales band The Rubens. The band is internationally renowned and in 2018 supported Pink on her Australian tour.

Playing drums in front of people, even just a small group of friends, has always been a dream for Scott and he feels very fortunate to be playing drums as a career.

The Rubens have been touring since 2011 and when Mr Baldwin comes back to Sydney he sees that the live music scene is dying, in fact sometimes it seems dead. Talking to international artists on tour, Mr Baldwin describes them feeling stranded in Sydney, not knowing where to go or what to do. In the environment now, Mr Baldwin does not know what success The Rubens would have had if they were starting out today.

Mr Baldwin is proud of Sydney and wants to see the city's nightlife up and running again.

Impact of closures on other businesses

- 3.70** Stakeholders raised concerns that the closure of live music venue hamper the economic viability of other nearby businesses. For example, Oxford Arts Factory told the committee heard that the closures unduly impacted the livelihood of small businesses, such as restaurants, newsagencies, small bars and taxi drivers, that operate within the night-time economy.²²²
- 3.71** Similarly, Ms Manfredi said: 'We did not just lose clubs [in Sydney] ... We lost an iconic newsagency on Oxford Street that had been going for 80-something years and restaurants and shops. I lost my neighbourhood'.²²³
- 3.72** Ms Scott noted that live music venue closures have adversely impacted street activation in the city and hinder Sydney from being considered a 'global, liveable city'.²²⁴
- 3.73** An additional concern expressed by certain inquiry participants was that venue closures have placed pressure on public infrastructure and transport services and may cause conflicts with local residents over land use and noise pollution as patrons and music fans migrate to areas outside of the lockout precincts.²²⁵

²²⁰ Evidence, Mr Stuart Turner, Set Mo, 28 May 2018, pp 37-38.

²²¹ Evidence, Mr Scott Baldwin, Artist, The Rubens, 24 August 2018, p 38.

²²² Submission 269, Oxford Art Factory, p 1. Also see, Submission 375, Future Classic, p 1; Submission 284, Keep Sydney Open, p 6; Submission 257, Ice Bank Hospitality, p 2; Submission 257, Ice Bank Hospitality, p 2; Evidence, Ms Justine Baker, Chief Executive Officer, Solotel, 26 March 2018, p 39.

²²³ Evidence, Ms Isabella Manfredi, Artist, The Preatures, 28 May 2018, p 22.

²²⁴ Evidence, Ms Linda Scott, President, Local Government NSW, 26 March 2018, p 24.

²²⁵ Submission 373, Australian Taxpayers Alliance, p 3.

- 3.74** The committee heard that operators have stopped investing in their venues located in lockout precincts.²²⁶
- 3.75** Stakeholders also noted that once live music venues close, it is difficult re-develop a space for a creative use.²²⁷ For example, Mr Grant Walmsley of The Screaming Jets said:

Using the analogy of rhinos, they are an endangered species and our venues in Newcastle are an endangered species. This is a crisis. We are in a critical condition. We are not in a serious condition, this is ICU material ... It is critical now or it will die. Once it is dead—once the last rhino has breathed its last breath—it is over.²²⁸

Live music venues in regional areas

- 3.76** While some regions, such as Byron Bay have a thriving live music scene, the committee heard that for the most part there is a lack of suitable live music venues in regional areas. South East Arts, a regional development organisation for arts and culture in the Bega Valley, Eurobodalla and Snowy Monaro, noted that most live music venues in regional areas are pubs, clubs and festivals, all of which present various barriers for performances:

In our region the most successful live music venues are pubs and clubs who often use income from other sources (alcohol sales, poker machines, food etc) to supplement the costs of presenting live music. These venues are of course not suitable for youth under 18, one of the key markets for live music. As with festivals, most of the other live music events are presented and managed by volunteer committees and groups, the musicians are often restricted to door split deals, are generally underpaid or play for 'exposure' only. Touring support for live music is very limited and often regional areas miss out on touring acts due to the financial risk of presenting.²²⁹

- 3.77** Fusion Boutique, a venue that specialises in presenting original live music in the Blue Mountains area, also identified key challenges for regional live music venues including: making events accessible and covering costs, sourcing suitable venues, lack of support from tourism bodies, and poor public transport options.²³⁰
- 3.78** As is the case in Sydney, stakeholders noted that without venues, artists in these areas are often not afforded performance opportunities. Inquiry participants noted that this undermines career development opportunities. For example, Southern Tablelands Arts (STARTS), Regional Arts Development Organisation, stated: "There are no music specific venues in the region yet there is a wealth of music presentation across all music styles. There is a reliance of commercial clubs and community halls and some pubs as music venues. This means stepping stones to career development is extremely limited".²³¹

²²⁶ Evidence, Ms Justine Baker, Chief Executive Officer, Solotel Group, 26 March 2018, p 41. Also see, Submission 284, Keep Sydney Open, p 6.

²²⁷ Evidence, Mr Greg Khoury, Century Venues, 26 March 2018, pp 72-73.

²²⁸ Evidence, Mr Grant Walmsley, The Screaming Jets, 23 August 2018, p 20.

²²⁹ Submission 154, South East Arts, p 1.

²³⁰ Submission 146, Fusion Boutique, p 1.

²³¹ Submission 217, Southern Tablelands Arts (STARTS), p 1.

- 3.79** Likewise, MusicNSW remarked that limited performance opportunities in regional areas means artists cannot hone their craft or develop their audience, which often leads them to move to large cities in the hope of finding more gigs:

Performance opportunities are limited in regional areas and the lack of a thriving regional touring circuit means it's tough for regional musicians to get enough gigs to hone their craft, or to find new audiences. Consequently, regional artists often leave their home towns to move to a larger city to get better access to audiences and performances opportunities.²³²

- 3.80** The case study below describes the experience of Ms Brooke McClymont who noted how the demise of live music venues in regional areas has impacted her touring schedule and is hampering the development of new artists.

Case study Ms Brooke McClymont²³³

Alongside her two sisters, Ms Brooke McClymont is one third of the group 'The McClymont's', a country music band.

Ms McClymont recalls two major factors that helped her band get started and build a live fan base, one being an abundance of country music clubs throughout New South Wales holding weekly talent quests, and the other being invited to support Lee Kernaghan on a major international tour.

Once being able to perform up to 100 shows per year, now 'The McClymont's' perform 30 to 40 shows per year, mostly limited to the weekends. This is disappointing as any live performance supports the three band members, a manager, one or two production crew, a publicist, a booking agent, a promoter, a support act and then some venue staff.

While Ms McClymont feels lucky and proud that she has been able to make a living solely from writing, recording, producing and performing her music, she is concerned that without opportunities for touring and building an audience base, it will be impossible for new acts to break through into country music.

- 3.81** According to MusicNSW, other concerns for regional artists include: a lack of industry connection and networking; a lack of skills development opportunities; and a lack of clarity around career pathways and career sustainability.²³⁴
- 3.82** MusicNSW suggested that the confluence of these factors has led to low morale for regional musicians, and suggested that there is a 'dire need' to reinvigorate the regional touring circuit.²³⁵ MusicNSW argued that this action will provide performance opportunities for local artists and entice bands from outside of the area to perform, and consequently develop local audiences and stimulate the economy.²³⁶

²³² Answers to supplementary questions on notice, MusicNSW, received 26 April 2018, pp 2-3. Also see, Evidence, Mr Tim Levinson, Artist, Urthboy, 26 March 2018, p 30.

²³³ Evidence, Ms Brooke McClymont, Artist, 'The McClymont's', 26 March 2018, pp. 27-32.

²³⁴ Answers to supplementary questions on notice, MusicNSW, received 26 April 2018, p 2.

²³⁵ Answers to supplementary questions on notice, MusicNSW, received 26 April 2018, p 2.

²³⁶ Answers to supplementary questions on notice, MusicNSW, received 26 April 2018, p 2.

- 3.83** Following on, inquiry participants suggested that the NSW Government support a program, similar to the successful Victorian Music Crawl, which takes music industry professionals into regional areas to showcase their venues, artists and local industry.²³⁷

Committee comment

- 3.84** The committee acknowledges that the closure of live music venues in Sydney has had dire consequences for the career pathways of young musicians, the touring network and Sydney's cultural reputation. The committee understands that it is imperative to reinvigorate Sydney's live music scene to ensure the contemporary music industry in New South Wales can flourish. We believe that the recommendations made throughout this report will assist government to work towards this goal.
- 3.85** The committee is concerned that Sydney has a declining live music scene. It is disappointing to receive evidence that the narrative in the wider community is that the closure of live music venues has been detrimental to the city's cultural reputation. We expect the NSW Government to give serious consideration to repair this reputational harm by taking decisive action to make Sydney a music city.
- 3.86** The committee notes the challenges of developing a thriving live music scene in regional New South Wales. Venues in these areas face many of the same concerns as those in the city, but are further disadvantaged by the tyranny of distance. We are open to promoting as many opportunities as possible to revitalise the live music industry across the state and therefore recommend that Create NSW fund MusicNSW to support a New South Wales Music Crawl and take music industry professionals into regional areas to showcase regional venues, artists and local industry.

Recommendation 17

That Create NSW fund MusicNSW to support a New South Wales Music Crawl and take music industry professionals into regional areas to showcase regional venues, artists and local industry.

- 3.87** The committee heard from many highly engaged and knowledgeable regional local council officers and music industry stakeholders during the inquiry. We appreciate the importance of building on local knowledge to promote music. The committee recommends that Create NSW fund MusicNSW to engage Regional Music Champions, that is, key music stakeholders outside of the Sydney Metropolitan Area, to support the revitalisation of New South Wales' regional live music scene.

Recommendation 18

That Create NSW fund MusicNSW to engage Regional Music Champions to support the revitalisation of New South Wales' regional live music scene.

²³⁷ Answers to supplementary questions on notice, MusicNSW, received 26 April 2018, p 2.

Youth venues and all ages events

- 3.88** According to stakeholders, there is a strong demand for more youth venues and all age events. For example, Musos Corner at 90Degree Studio argued that youth venues are an invaluable resource to the music industry as they provide a place for creative expression:

Youth venues/studios create opportunities for young people to contribute to music and the music industry that is nearly without quotient. Youth venues are an invaluable resource to the music industry!

If you want music in NSW to grow, create policy that funds the opening and long-term maintenance of more Youth venues/studios or access to venues/studios for the staging and production of music.²³⁸

- 3.89** Similarly, Kingdom Sounds, an event bookings and band management organisation, said that establishing more youth venues and hosting all age events would encourage young people to learn live music etiquette:

... we need to look into generating more AA [all age] events and venues, younger gig goers are missing out on vital education when it comes to gig etiquette and acceptable behaviour at events. Without somewhere to learn these skills and 'rules', the entire audience will suffer as a result, and Newcastle will continue to foster a 'violent gig culture'. The kids are really yearning for live music, so I think that we should really be putting a focus on council owned venues and AA shows.²³⁹

- 3.90** Mr Jack Lincoln, a musician, similarly supported having more all aged events, saying these opportunities would be 'really helpful to inspire younger musicians'.²⁴⁰ Mr Lincoln suggested that youth centres could be opened up to more all-ages gigs or be encouraged more to bring in music acts.²⁴¹

- 3.91** The committee heard about the success of former The Loft Arts and Culture Centre in Newcastle. The case study below shares Mr Spencer Scott's experience at the venue.

Case study: Mr Spencer Scott²⁴²

Mr Spencer Scott, a young musician, told the committee that the former Newcastle City Council operated youth venue The Loft Arts and Culture Centre had been invaluable to his development as a musician and band booker.

Mr Scott first visited The Loft when he was 14 years old. It was his first experience of alternative independent music and he was instantly inspired by seeing local kids play music. He started visiting The Loft as often as he could, sometimes up to four times a month. The Loft was drug and alcohol free, had a no pass outs rule and had security which provided a level of assurance to his parents about the safety of the venue.

²³⁸ Submission 256, Musos Corner at 90Degree Studio, p 4

²³⁹ Submission 366, Kingdom Sounds, p 1.

²⁴⁰ Evidence, Mr Jack Lincoln, Artist, 4 July 2018, p 15.

²⁴¹ Evidence, Mr Jack Lincoln, Artist, 4 July 2018, p 16.

²⁴² Evidence, Mr Spencer Scott, Musician, 23 August 2018, p pp 28-31.

The Loft was the first place that Mr Scott ever recorded music, a five-track demo with the budget of \$40. The venue also guided him through the process of booking his first show, a skill he now uses three to five nights a week. Mr Scott noted that places like The Loft create not only passionate live music fans but music industry professionals.

The Loft closed in 2013 due to budget constraints. Since this time there has been almost no government involvement in Newcastle all-ages live music and has led to gigs being held in unsuitable venues.

Committee comment

- 3.92** We note that council operated youth venues provide a vital space for young people to engage with music and learn life skills in a safe environment. It was disappointing to receive evidence that The Loft in Newcastle had closed due to budgetary reasons particularly as it clearly had a formative effect on stakeholders.
- 3.93** As discussed, in Chapter 6, the committee has recommended the development of a music hub in inner Sydney and we envisage that a youth venue could operate from this location. In addition, we recommend that Create NSW partner with local governments to facilitate music-based youth venues across the state that include 'plug and play' infrastructure, like the City of Sydney's new music room at the Green Square Library. We also recommend that Create NSW work with MusicNSW to investigate opportunities to promote all-ages gigs across New South Wales.

Recommendation 19

That Create NSW partner with local governments to facilitate music-based youth venues across the state that include 'plug and play' infrastructure, like the City of Sydney's new music room at the Green Square Library.

Recommendation 20

That Create NSW work with MusicNSW to investigate opportunities to promote all-ages gigs across New South Wales.

Establishing whether there is a link between music and violence

- 3.94** There was discussion during the inquiry about whether there is a definitive evidence-based link between live music and violence. Many stakeholders were adamant that live music, in and of itself does not cause violence. For example, Ms Isabella Manfredi of The Preatures described the live music scene as anti-violence: 'The live music community that I know is anti-violence. It is a welcoming community. It is a refuge for many young people. It is a place for people to exercise their passion and to meet people. That is the greatest thing about it. That is its service in the community'.²⁴³

²⁴³ Evidence, Ms Isabella Manfredi, 28 May 2018, p 23.

3.95 Ms Marcou described linking music and violence as 'absurdist'.²⁴⁴ Ms Marcou suggested that small live music venues are places that mitigate violence as people are focused on the performance rather than drinking alcohol:

These [live music venues] were places where people knew each other and would support each other, and also participated in this positive culture of music. People tend to drink less; there is less of a focus on alcohol because you are there for a performative aspect, so you watch a band and you might get a drink before and after.²⁴⁵

3.96 Mr Patrick Donovan, Chief Executive Officer of Music Victoria, noted that anecdotal evidence indicated that people drink less alcohol when they attend live music events:

People buy less drinks when they are watching a live show, there is no doubt about it.

Venues have anecdotal evidence ... about drink sales dropping because people are basically paying to see a show. Our line is: If you are facing the stage, you are not facing off. It is bored people who are having fights.²⁴⁶

3.97 This was the experience of Mr Jeb Taylor, Owner of Farmer and the Owl, who said: 'I feel when people are watching a band, they are watching a band ... so they just do not drink as much. They drink but when they are just hanging out at a pub or they are just there with nothing else really going on people drink more ...'.²⁴⁷

3.98 Similarly, Mr Jon Perring, Proprietor of The Tote Hotel, a live music institution in Melbourne, argued that the unifying power of music mitigates the probability of violence taking place.²⁴⁸ Mr Perring acknowledged that is no definitive empirical evidence either supporting or denying the link between live music and violence.²⁴⁹

3.99 Dr Don Weatherburn, Executive Director, NSW Bureau of Crime Statistics and Research, advised: '... although there is a wealth of research on licensed venues, and a body of research on violence in music as well as violence at rock concerts, I have been unable to locate any research specifically on music venues and violence'.²⁵⁰

3.100 Create NSW similarly advised that it is not aware of any evidence linking music to violence.²⁵¹ However, Ms Elizabeth Scott, Executive Director, Investment and Engagement at Create NSW, informed the committee that the Data Analytics Centre was in the process of examining data relating to the relaxation of lockout laws in 32 venues in Sydney and was considering whether there are any associations of increased violence with the extension of lockout and last-drink

²⁴⁴ Evidence, Ms Helen Marcou, Co-Founder, Save Live Australia's Music, 28 May 2018, p 29.

²⁴⁵ Evidence, Ms Helen Marcou, Co-Founder, Save Live Australia's Music, 28 May 2018, p 32. Also see, Answers to questions on notice, City of Sydney, received 4 May 2018, p 4.

²⁴⁶ Evidence, Mr Patrick Donovan, Chief Executive Officer, Music Victoria, 7 August 2018, p 13.

²⁴⁷ Evidence, Mr Jeb Taylor, Owner, Farmer and the Owl, 4 July 2018, p 23.

²⁴⁸ Evidence, Mr Jon Perring, Proprietor, The Tote Hotel, 7 August 2018, p 35.

²⁴⁹ Evidence, Mr Jon Perring, Proprietor, The Tote, 7 August 2018, p 35.

²⁵⁰ Correspondence from Dr Don Weatherburn, to Chair, received 9 October 2018, p 1.

²⁵¹ Evidence, Ms Alex O'Mara, Deputy Secretary, Create NSW, 27 September 2018, p 6.

timings.²⁵² The committee heard that this data may be able to differentiate between where the increase in violence relates to alcohol in a venue that also has live music.²⁵³

- 3.101** According to Ms Marcou, breaking the 'proxy' between live music and violence is essential, particularly in discussions about small venues.²⁵⁴ As discussed in Chapter 2, the Victorian Government has signed the *Agreement regarding live music venues* which recognises that live music does not cause violence.²⁵⁵ Mr Donovan emphasised that the government's acknowledgement of this statement provides crucial support when there are discussions around strengthening licensing conditions for venues.²⁵⁶
- 3.102** Ms Manfredi suggested that this was the crux of the issue; that the community often conflates live music and alcohol related violence, so discussions about the protecting live music venues are erroneously identified as an endorsement of violence.²⁵⁷

Committee comment

- 3.103** The committee does not believe that there is a link between live music, in and of itself, and violence. We note that stakeholders have attributed live music to less alcohol consumption. However, the committee was not presented with definitive empirical evidence to support either side of the argument. We look forward to reviewing the data prepared by the Data Analytics Centre that examines data relating to the relaxation of lockout laws in certain venues in Sydney. We hope this provides a greater clarity to guide future policy decisions in this area.
- 3.104** 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.

Finding 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.

²⁵² Evidence, Ms Elizabeth Scott, Executive Director, Investment and Engagement, Create NSW, 27 September 2018, p 5.

²⁵³ Evidence, Ms Alex O'Mara, Deputy Secretary, Create NSW, 27 September 2018, p 6.

²⁵⁴ Evidence, Ms Helen Marcou, Co-Founder, Save Live Australian Music, 28 May 2018, p 31.

²⁵⁵ Music Victoria, Agreement regarding live music venues, https://www.musicvictoria.com.au/assets/media_releases/Live_Music_Agreement_5-10-1.pdf

²⁵⁶ Evidence, Mr Patrick Donovan, Chief Executive Officer, Music Victoria, 7 August 2018, p 13.

²⁵⁷ Evidence, Ms Isabella Manfredi, 28 May 2018, p 21.

Gaming machines in live music venues

3.105 Many inquiry participants expressed concern about the imposition of gaming machines in live music venues, suggesting that these machines are partly responsible for the demise of performance opportunities.²⁵⁸

3.106 MusicNSW observed that gaming machines were first introduced into pubs in the 1990's to help meet the cost of liquor licences. Consequently, MusicNSW noted that pubs closed their band rooms to accommodate gaming machines which 'meant there were less stages for bands to play on'.²⁵⁹ MusicNSW cited Shane Homan and Bruce Johnson's 'Vanishing Acts: An Inquiry Into the State of Live Popular Music Opportunities in New South Wales' to support its argument:

... the surveys and the interviews [Homan and Johnson conducted] incontrovertibly indicate that the proliferation of poker machines has in many venues displaced live music. The appeal of the 'pokies' to venue management is straightforward: profits. Along with bar sales, gambling is the biggest source of revenue ...²⁶⁰

3.107 The City of Sydney also cited Homan and Johnson, noting the commercial necessity of poker machines in live music venues: 'The shift to poker machines is partly a common sense commercial response to continuing problems accommodation [accommodating] the pub/club crowd. The individual poker machine player is more easily incorporated into building, noise and liquor codes'.²⁶¹

3.108 However, the Australian Hotels Association NSW disagreed, arguing instead that gaming machine revenue has supported live music performances:

For a number of venues, revenue from EGMs [electronic gaming machines] act to subsidise live music performances that otherwise would not be financially viable. In fact, it has been identified that the admission of electronic gaming machines into NSW in 1956 led to an influx of aspiring music performers in this State.²⁶²

3.109 The Australian Hotels Association NSW clarified that it was referring to gaming machines in registered clubs, not in hotels.²⁶³

Clubgrants

3.110 Larger registered clubs in New South Wales contribute to the provision of certain community services through the Clubgrants system.²⁶⁴ Create NSW explained that 'Clubgrants Category 1

²⁵⁸ Evidence, Ms Ann Martin, Artist Planner and Cultural Planner, 4 July 2018, p 9; Evidence, Mr Patrick Donovan, Chief Executive Officer, Music Victoria, 7 August 2018, p 17.

²⁵⁹ Answers to supplementary questions on notice, MusicNSW, 26 April 2018, p 3.

²⁶⁰ Answers to questions on notice, MusicNSW, 26 April 2018, p 1.

²⁶¹ Answers to supplementary questions on notice, City of Sydney, 4 May 2018, p 6..

²⁶² Submission 232, Australian Hotels Association NSW, p 3.

²⁶³ Answers to questions on notice, Mr John Whelan, Australian Hotels Association NSW, received 26 September 2018, p 1.

²⁶⁴ Liquor & Gaming NSW, Clubgrants, (2 August 2017) <https://www.liquorandgaming.nsw.gov.au/Pages/clubs/community-involvement/clubgrants.aspx>.

& 2 are managed by registered clubs and support projects and/or services that contribute to the welfare and broader social fabric of the local community'.²⁶⁵

3.111 Create NSW provided the value of funds from gaming machine revenue that had been returned to communities via the Clubgrants system:

- for the 2016-2017 gaming machine tax year, clubs reportedly provided more than \$106 million in Category 1 & 2 funding to projects and services in their local communities
- each financial year the Category 3 Fund receives approximately \$13 million from this gaming machine tax.²⁶⁶

3.112 However, certain inquiry participants encouraged the NSW Government to consider other opportunities to fund arts through the revenue generated from gaming machines from pubs.²⁶⁷ For example, the Live Music Office advocated using gaming machine revenue to support the development of a community benefit fund for the music industry.²⁶⁸ The Live Music Office noted that a similar scheme operates in South Australia and generates approximately \$850,000 per year.²⁶⁹ Moreover, the committee heard that the proposal has been endorsed in the City of Sydney Live Music and Performance Action Plan, and has in principle support from the Australian Hotel Association NSW.²⁷⁰

Committee comment

3.113 The committee notes that the imposition of gaming machines in licensed venues has been detrimental to the live music scene. However, it is 'too late to put the genie back in the bottle', and we recognise that it is unlikely that gaming machines will be removed from venues.

3.114 The committee believes that revenue from gaming machines should be used to support the live music industry and concurs with the proposal to develop a community benefit fund similar to the one that operates in South Australia. We note that the South Australian model generates approximately \$850,000 per year. This is not an insignificant amount of funding, compared to the approximately \$1.1 million per year the government currently provides to contemporary music.

3.115 The committee recommends that the NSW Government develop a community benefit fund, similar to the fund operating in South Australia, that uses the revenue from gaming machines to support the live music industry.

²⁶⁵ Answers to questions on notice, Create NSW, 2 May 2018, p 7.

²⁶⁶ Answers to questions on notice, Create NSW, 2 May 2018, p 7.

²⁶⁷ Evidence, Ms Ann Martin, Artist Planner and Cultural Planner, 4 July 2018, p 9.

²⁶⁸ Submission 283, Live Music Office, p 36.

²⁶⁹ Submission 283, Live Music Office, p 36.

²⁷⁰ Submission 283, Live Music Office, p 36.

Recommendation 21

That the NSW Government develop a community benefit fund, similar to the fund operating in South Australia, that uses the revenue from gaming machines to support the live music industry.

Other cultural infrastructure

3.116 While most of the evidence presented to the inquiry focused on live music venues, there was some discussion about other cultural infrastructure.

3.117 For example, the committee heard that there is a limited number of rehearsal and performance venues in Sydney and its surrounds.²⁷¹ Moreover, the number of suitable venues is continually declining. The City of Sydney identified three basic needs for space:

- temporary or 'pop up' uses lasting less than three months
- interim uses through which to incubate and develop new enterprises lasting for one to five years
- stable, permanent tenure for ongoing studio, work, performance and exhibition space.²⁷²

3.118 This experience is reflected in regional areas. Ms Ann Martin, Artist Planner and Cultural Planner, from the Wollongong area, stated: 'At the moment, it is extremely difficult to find studio spaces that are appropriate not only for visual artists but also for performing artists who are big enough to take the sort of work that needs to be done ...'.²⁷³

3.119 This was not the case in Melbourne. For example, Ms Marcou informed the committee about Bakehouse Studios, the rehearsal, recording and performance venue she and her partner Mr Quincy McLean established 27 years ago in Richmond:

The Bakehouse is a bit of a crumbling, beautiful institution of Melbourne. It is a creative space where up to 400 musicians pass through every week—around 120 bands. We call it Melbourne's cubbyhouse for musicians. It is a place where we get together, we chew the fat and we talk about the issues of the day.²⁷⁴

3.120 The Bakehouse has rehearsal rooms, which include Allen & Heath or Soundcraft mixing desks and Quest power amps, to rent from \$45 - \$100 for approximately six hour sessions.²⁷⁵

3.121 According to stakeholders many of the factors identified as having contributed to the decline in music venues can be attributed to the lack of other cultural spaces. However, some additional factors were also suggested, including that the NSW Government does not adequately fund

²⁷¹ Answers to questions on notice, City of Sydney, 4 May 2018, p ii.

²⁷² Submission 246, City of Sydney, p 8.

²⁷³ Evidence, Ms Ann Martin, Artist Planner and Cultural Planner, 4 July 2018, p 9.

²⁷⁴ Evidence, Ms Marcou, 28 May 2018, p 30.

²⁷⁵ Bakehouse, Rehearsal Rooms, http://bakehousestudios.com.au/rehearsal_rooms.

local councils to repurpose available facilities or individual entrepreneurs to repurpose premises for creative purposes.²⁷⁶

- 3.122** The lack of suitable rehearsal and performance space caused significant consternation for inquiry participants,²⁷⁷ particularly as many argued there is building stock available amongst the unused and under-used spaces in certain local government areas.²⁷⁸ Indeed, Ms Kerri Glasscock, Chief Executive Officer of Sydney Fringe Festival, stated: 'We are looking at a crisis in space. We see all this unused space. We could so easily unlock a massive swag of cultural infrastructure with no investment and yet we are stopped at every turn'.²⁷⁹
- 3.123** Stakeholders suggested that efforts to access these venues is often thwarted by restrictive planning provisions, particularly the challenges associated with adaptive re-use of buildings, and the complex multi-regulatory system for venues.²⁸⁰ These proposals are examined Chapter 6.

Investing in small to medium arts venues

- 3.124** Stakeholders advocated for greater government investment and support for small to medium arts enterprises.²⁸¹ The committee heard that small to medium arts venues, such as local halls, performing arts centres, art galleries, museums, community centres and rural halls—which host most performances and are incubators for performers—are primarily funded and maintained local governments.²⁸²
- 3.125** Indeed, Local Government NSW reported: 'Councils in NSW are by far the lead spenders on cultural capital infrastructure, operation and projects. The proportion of total expenditure on arts and culture by local government in NSW is 32.9 per cent (the highest in Australia)'.²⁸³ Ms Linda Scott, President of Local Government NSW, continued: 'New South Wales councils spent \$422 million on recurrent cultural projects in 2015-16 and \$97 million on cultural capital projects'.²⁸⁴

²⁷⁶ Submission 237, Local Government NSW, p 10; Evidence, Ms Kerry Glasscock, Chief Executive Officer, Sydney Fringe Festival, 26 March 2018, p 64.

²⁷⁷ Submission 237, Local Government NSW, p 8; Submission 212, Liverpool City Council, p 4.

²⁷⁸ Submission 212, Liverpool City Council, p 4. Also see, Submission 237, Local Government NSW, p 8.

²⁷⁹ Evidence, Ms Kerri Glasscock, Chief Executive Officer of Sydney Fringe Festival, 26 March 2018, p 65.

²⁸⁰ Evidence, Cllr Jess Scully, Councillor, City of Sydney, 26 March 2018, p 15. Also see, Evidence, Mr Michael Rose, Chair, Committee for Sydney, 26 March 2018, p 50.

²⁸¹ Submission 271, Byron Community Centre, p 1; Submission 379, Century Venues, pp 4-5; Submission 261, Sydney Fringe Festival, p 3.

²⁸² Submission 203, Shoalhaven City Council, p 2; Submission 235, Art Mid North Coast, p 4; Submission 244, Bathurst Memorial Entertainment Centre, p 1; Submission 271, Byron Community Centre, p 1.

²⁸³ Submission 237, Local Government NSW, p 10.

²⁸⁴ Evidence, Ms Linda Scott, President, Local Government NSW, 26 March 2018, p 22.

3.126 While the NSW Government was commended for investment in the Regional Cultural Fund,²⁸⁵ inquiry participants identified certain concerns regarding the government's support for council-controlled cultural infrastructure, including:

- newly-built and existing facilities supported by the Regional Cultural Fund will require continued funding for their operation and resourcing²⁸⁶
- heritage-listed venues in certain areas may be suitable for the arts, however, there is a lack of major funding to repurpose these buildings for performance and exhibitions²⁸⁷
- councils in Sydney, western Sydney, the Blue Mountains, the Illawarra and Newcastle have cultural infrastructure backlogs but are currently ineligible to for the Regional Cultural Fund, as these areas are not deemed to be 'regional'²⁸⁸
- the high cost of hiring local halls is putting pressure on these venues to remain viable.²⁸⁹

3.127 Local governments from across New South Wales supported measures to increase capital and recurrent support for council-controlled cultural infrastructure.²⁹⁰ Stakeholders' proposals to overcome these concerns included:

- increasing funding to the Arts and Culture Development Program²⁹¹
- allowing 'adaptive reuse and or regeneration' to be an eligible activity under the guidelines for the next three years of the Regional Cultural Fund, and providing grant funding for upgrades to existing buildings to meet access, fire and safety requirements²⁹²
- providing councils, especially those in regional areas, with more freedom to explore opportunities for cultural use of vacant buildings²⁹³
- covering public liability insurance under treasury managed fund for local halls²⁹⁴
- providing incentives for the private sector to contribute to the development of suitable premises²⁹⁵

²⁸⁵ Submission 237, Local Government NSW, p 8; Submission 239, Wagga Wagga City Council, pp 3-4.

²⁸⁶ Submission 237, Local Government NSW, p 10.

²⁸⁷ Submission 237, Local Government NSW, p 8.

²⁸⁸ Submission 237, Local Government NSW, p 10.

²⁸⁹ Submission 245, Lismore City Council, p 2; Submission 14, City of Shoalhaven Eisteddfod, p 2.

²⁹⁰ See, Submission 203, Shoalhaven City Council, p 1; Submission 5, Northern Sydney Regional Organisation of Councils, p 1; Submission 212, Liverpool City Council, pp 1-2; Submission 211, Penrith City Council, p 3; Evidence, Submission 239, Wagga Wagga City Council, p 4; Clr Jess Scully, Councillor, City of Sydney, 26 March 2018, p 17.

²⁹¹ Submission 237, Local Government NSW, p 10.

²⁹² Submission 237, Local Government NSW, p 8.

²⁹³ Evidence, Ms Linda Scott, President, Local Government NSW, 26 March 2018, pp 21-22.

²⁹⁴ Submission 245, Lismore City Council, p 2.

²⁹⁵ Evidence, Cr Jess Scully, Councillor, City of Sydney, 26 March 2018, p 17.

- providing additional resources and support for local government to implement better practice for music and arts planning²⁹⁶
- developing of the NSW Cultural Infrastructure Strategy.²⁹⁷

3.128 Local Government NSW also called on the NSW Government to release *Mapping Western Sydney* and *Mapping Regional NSW*, which it believes will provide the arts sector with a 'crucial evidence base' to inform its input to the Cultural Infrastructure Plan.²⁹⁸

3.129 A related concern was that the NSW Government supports large-scale cultural infrastructure at the expense of supporting small-medium venues. For example, Eastside Radio noted that there is a significant discrepancy between government funding for major music and arts infrastructure, such as refurbishing the Sydney Opera House, while many smaller venues are not adequately supported thus, undermining the arts community's ability to provide a 'rich tapestry of attractions that make up a truly vibrant, exciting city'.²⁹⁹

3.130 Ms Glasscock argued that this funding disparity is frustrating as most artists will never work in a major institution – rather, they will practice and perform in small-medium venues: 'Most artists who work in New South Wales will never work in those major institutions. They will never work for the large funding companies. They pay their mortgages and they earn their living in the small to medium size rooms that are the cultural but commercial businesses of our city'.³⁰⁰

3.131 Renew Newcastle is a venture in Newcastle that has operated since 2008 and aims to connect people with vacant spaces, supporting a community of creative entrepreneurs who bring life, interest and activity into underutilised neighbourhoods. Filling these empty spaces has created a series of flow on effects such as reducing crime, graffiti, vandalism and giving a significant economic and social value back to the community that has attracted business and residential interest in the city.³⁰¹

3.132 Mr Rhodes argued that a similar style approach to the creation of venues for music could be considered: 'Renew Newcastle, as you are aware, has been very successful in, organically, redeveloping the city centre in a temporary sense, It has not include music venues but a version of it could include music at a pop-up or small scale just to give those fledgling businesses a start'.³⁰²

²⁹⁶ Evidence, Ms Shannon Burt, Director, Sustainable Environment and Economy, Byron Shire Council, 31 July 2018, p 29.

²⁹⁷ Submission 237, Local Government NSW, p 10.

²⁹⁸ Submission 237, Local Government NSW, p 8.

²⁹⁹ Submission 249, Eastside Radio, p 1.

³⁰⁰ Evidence, Ms Kerri Glasscock, Chief Executive Officer, Sydney Fringe Festival, 26 March 2018, p 64.

³⁰¹ Renew Newcastle, *About*, <http://renewnewcastle.org/about/>.

³⁰² Mr Ian Rhodes, Community Planning Officer, Newcastle City Council, 23 August 2018, p 6.

Committee comment

- 3.133** The committee acknowledges concerns about the lack of suitable rehearsal and performance venues. We believe that recommendations made in this report, if actioned by the government, will open up current building stock for these uses.
- 3.134** However, the committee acknowledges the lack of available rehearsal space in Sydney, and recommends that the NSW Government, in consultation with local government, identify existing rehearsal spaces in Sydney and develop a program of grants via local government to increase the accessibility of those spaces for musicians either through rental subsidies or the expansion of rehearsal spaces.

Recommendation 22

That the NSW Government, in consultation with local government, identify existing rehearsal spaces in Sydney and develop a program of grants via local government to increase the accessibility of those spaces for musicians either through rental subsidies or the expansion of rehearsal spaces.

- 3.135** The committee notes that local government plays a vital role in establishing and maintaining small-medium sized cultural infrastructure across New South Wales. While we acknowledge that the NSW Government has established the Regional Infrastructure Fund, we believe that more can be done to support cultural infrastructure throughout the state.
- 3.136** The committee notes that challenges associated with the adaptive reuse of building stock were a recurrent theme during this inquiry. While the issue is examined in detail in Chapter 6, we acknowledge that local councils find it difficult to fund the necessary renovations to make available building stock accessible for cultural purposes.
- 3.137** To this end, the committee recommends that the Cultural Infrastructure Program Management Office make 'adaptive reuse and or regeneration' an eligible activity under the guidelines of the Regional Cultural Fund for the next three years and provide funding for upgrades to existing buildings to meet access, fire and safety requirements. In addition, the committee recommends that the NSW Government provide additional funding to local councils to adapt current building stock to include 'plug and play' facilities.

Recommendation 23

That the Cultural Infrastructure Program Management Office make 'adaptive reuse and or regeneration' an eligible activity under the guidelines of the Regional Cultural Fund for the next three years and provide funding for upgrades to existing buildings to meet access, fire and safety requirements.

Recommendation 24

That the NSW Government provide additional funding to local councils to adapt current building stock to include 'plug and play' facilities.

- 3.138** We also encourage the NSW Government to investigate other opportunities to facilitate investment, including private investment in cultural infrastructure.

Chapter 4 The Sydney Night-Time Economy Roundtable Action Plan

This chapter sets out the background to the Sydney Night-Time Economy Roundtable and the process by which the Roundtable's action plan was formulated. The chapter then moves to the government's response to the action plan and progress to date in implementing each action item.

Background to the Sydney Night-Time Economy Roundtable

4.1 This section sets out the background to the decision to convene the Sydney Night-Time Economy Roundtable, including the operation of Sydney's new 'lockout laws' and the review of the lockout laws conducted by the Hon Ian Callinan AC QC. Discussion then moves to the deliberations of the Roundtable and the publication of the action plan.

Lockout precincts in the Sydney CBD and Kings Cross precincts

4.2 In February 2014, the NSW Government introduced new 'lockout laws' with the objective of reducing alcohol-fuelled violence and improving public safety.³⁰³ The lockouts were modelled on a similar approach trialled in Newcastle from 2008.

4.3 The legislation required 1.30 am lockouts, 3 am last-drinks and a ban on glass containers during late trading hours at bars, pubs and clubs in the Sydney CBD entertainment precinct, which is defined in regulations. The precinct is bounded by Kings Cross, Darlinghurst, Cockle Bay, The Rocks and Haymarket. The legislation also applied a state-wide restriction on take away liquor sales after 10 pm and the introduction of a periodic liquor licence fee scheme.³⁰⁴

4.4 The reform package also contained other regulatory changes, including a freeze on new liquor licences in the Sydney CBD Entertainment Precinct and an extension of a similar freeze in the Kings Cross Precinct that had been in place since 2009. In May 2014, the Government released a Plan of Management for the Sydney CBD Entertainment precinct which built on these reforms. The plan applied a range of special conditions on licenced premises to assist in improving safety and reducing alcohol-related violence and anti-social behaviour. Similar measures had applied in the Kings Cross Precinct since 2012 under a separate Plan of Management. The special licence conditions that apply to both precincts are contained in the Liquor Regulation 2008.³⁰⁵

4.5 Stakeholder concerns regarding the impact of the lockout laws are discussed further in Chapter 3.

³⁰³ The NSW Parliament passed the amending legislation, the *Liquor Amendment Act 2014*, on 30 January 2014.

³⁰⁴ NSW Department of Justice, *Liquor Law Review: 1.30 am lock out, 3 am cease alcohol sales, 10 pm take-away liquor and periodic liquor licence fee laws – Department's Background paper*, updated 21 March 2016, p 2.

³⁰⁵ NSW Department of Justice, *Liquor Law Review: 1.30 am lock out, 3 am cease alcohol sales, 10 pm take-away liquor and periodic liquor licence fee laws – Department's Background paper*, updated 21 March 2016, pp 2-3.

The Callinan review

- 4.6 In February 2016, the NSW Government appointed the Hon Ian Callinan AC QC to lead a statutory review of certain elements of the New South Wales liquor laws, including the lockouts and last drinks provisions.³⁰⁶
- 4.7 Justice Callinan was asked to assess the effectiveness of the 1.30 am lockouts and 3 am last drinks legislation in Kings Cross and the Sydney CBD, the state-wide restriction on the take away liquor sales after 10 pm, and the periodic licensing fee system for New South Wales licensed venues, including the effect of these provisions on alcohol-related violence and anti-social behaviour, safety and general amenity, and on government, industry and community stakeholders.³⁰⁷ The review was informed by data provided by the NSW Bureau of Crime Statistics and Research (BOCSAR) relating to alcohol-related violence and anti-social behaviour, other studies, information provided by community and business stakeholders, and information collected by the Sydney Night-Time Economy Roundtable.³⁰⁸
- 4.8 Justice Callinan's report concluded that the lockout laws have made Kings Cross and the Sydney CBD safer and that they are valid.³⁰⁹ However, it also proposed certain amendments to the provisions.³¹⁰
- 4.9 Following the Callinan Review in 2016, the NSW Government made several changes to the provisions including:
- a two-year trial of a 2 am lockout and 3.30 am last drinks was allowed via exemption for venues that offer live entertainment, live performances or art and cultural events
 - the liquor licence freeze in the Sydney CBD and Kings Cross was extended until 1 June 2018, with some minor changes
 - the capacity of small bars was increased from 60 to 100 patrons, and these venues could extend trading until 2 am
 - retention of mandatory ID scanners in Kings Cross.³¹¹

³⁰⁶ The review was a requirement under clause 47 of Schedule 1 of the *Liquor Act 2007*.

³⁰⁷ Liquor & Gaming, *Independent Liquor Review*, (1 April 2017), <https://www.liquorandgaming.nsw.gov.au/Pages/public-consultation/community-consultation/independent-liquor-law-review.aspx>.

³⁰⁸ Liquor & Gaming, *Independent Liquor Review*, (1 April 2017), <https://www.liquorandgaming.nsw.gov.au/Pages/public-consultation/community-consultation/independent-liquor-law-review.aspx>.

³⁰⁹ I D F Callinan AC, *Review of the amendments to the Liquor Act 2007* (September 2016), p 10.

³¹⁰ See, Media Release, Hon Troy Grant MP, Minister for Justice and Police, 'Callinan report released', 13 September 2016.

³¹¹ NSW Department of Industry, *Lockout laws and last drinks to remain in Sydney*, (21 December 2016), <https://www.liquorandgaming.nsw.gov.au/Pages/about-us/news-and-media/recent-news/lockout-and-last-drinks-to-remain-in-Sydney.aspx>

The Sydney Night-Time Economy Roundtable Action Plan

- 4.10** Concurrent with the Callinan Review, in early 2016, the NSW Government convened the Sydney Night-Time Economy Roundtable to examine measures to improve the viability and safety of Sydney's night-time economy. The roundtable was comprised of representatives from health, police, residents' groups, St Vincent's Hospital, live music, the hospitality sector, the liquor industry, transport, small business, planning, and local and state governments.³¹²
- 4.11** The roundtable meetings each had a specific focus:
- key issues and challenges for the night-time economy
 - developing workable solutions for Sydney's night-time economy
 - identifying outcomes, actions and accountabilities.³¹³
- 4.12** The seven key themes explored by the Roundtable were: governance; planning, design and place making; access and transport; policing, enforcement and regulation; cultural and behavioural change; diversity, including the arts; and communications.³¹⁴
- 4.13** Across these seven themes, 25 actions were developed for consideration by the Government and the Callinan Review and published in an Action Plan in August 2016.³¹⁵
- 4.14** Justice Callinan did not provide a detailed response to the Action Plan, but did observe that the reports produced by the Roundtable 'show a genuine concern to preserve and enhance night time activity in the city and to promote the city to tourists as offering all that might be expected of a thriving city of Sydney's size', and provided '... a useful exploration of views held about how best to maintain and achieve a variety of interesting night time activities without compromising the safety of those who participate in it, and those might be affected by people who do'.³¹⁶
- 4.15** The NSW Government provided its response to the Action Plan in December 2016.³¹⁷

³¹² Live Music Office, *Sydney Night-Time Economy Roundtable delivers 25 point action plan to NSW Government*, (12 August 2016), <http://livemusicoffice.com.au/sydney-night-time-economy-roundtable-delivers-25-point-action-plan-nsw-government/>.

³¹³ Liquor & Gaming NSW, *Night-Time Economy Roundtable – Developing a safe, strong and vibrant night-time economy in Sydney*, (21 December 2018), <https://www.liquorandgaming.nsw.gov.au/Pages/about-us/roundtable-meetings.aspx>.

³¹⁴ NSW Department of Justice, *Sydney Night-Time Economy Roundtable*, (August 2016), p 3.

³¹⁵ NSW Department of Justice, *Sydney Night-Time Economy Roundtable Action Plan*, (August 2016).

³¹⁶ I D F Callinan AC, *Review of the amendments to the Liquor Act 2007* (September 2016), p 91.

³¹⁷ NSW Government, *NSW Government response to the Sydney Night-Time Economy Roundtable*, (December 2016).

The NSW Government response to the Sydney Night-Time Economy Roundtable Action Plan

4.16 The government's response to the action plan stated that of the 25 actions identified, 17 were supported, 7 were supported-in-principle, and 1 was noted. The response also set out the government's timeframes and priorities for implementation.³¹⁸

4.17 A summary of the actions and responses is provided in the table below.

Table 4 Summary of the actions and responses in the NSW Government response to the Sydney Night-Time Economy Roundtable

1. Governance		
Action 1.1 Establish a new entity within Government which has ongoing responsibility to implement and monitor action plan progress and liaise with stakeholders to foster and promote Sydney's night-time economy, with regular reporting to the Deputy Premier	Supported	Within 1 month
2. Planning, design and place making		
Action 2.1 Develop a night-time economy masterplan for Sydney	Supported	Within 12 months
Action 2.2 Establish a central repository, that includes economic and visitor data, regulatory, crime and health data to inform business planning and decision making in relation to the Sydney night-time economy	Supported	Within 6 months
Action 2.3 Develop targeted measures to support the masterplan to support safer places and spaces through place activation, lighting, "pedestrianising" areas, and other crime prevention through environmental design initiatives and activating streetscapes and building frontages	Supported	Within 12 months
Action 2.4 Foster stronger management and governance of the night-time economy in areas of high activity – for instance through independent hosts supported by local government (as in Amsterdam / similar to Take Kare ambassadors)	Supported	Within 12 months
Action 2.5 Review planning controls relating to entertainment precincts, to avoid high concentrations of licensed venues and related cumulative impacts	Supported-in-principle	Within 12 months
Action 2.6 Activate streetscapes and building frontages	Supported	Within 12 months
Action 2.7 Identify reforms to the planning regulations – through changes to Exempt and Complying Development (e.g. to encourage start-ups, creative and small business) and the Building Code of Australia (BCA)	Supported	Within 12 months

³¹⁸ NSW Government, *NSW Government response to the Sydney Night-Time Economy Roundtable*, (December 2016).

3. Access and transport		
Action 3.1 Establish an online app or portal to provide real time information about what's on and open and how to access	Supported-in-principle	Within 12 months
Action 3.2 Establish a world class wayfinding system for visitors to access public transport hubs and major facilities	Supported	Within 12 months
Action 3.3 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	Noted	N/A
Action 3.4 Identify ways to improve walkability and accessibility in the public domain; improve the connections between entertainment offerings to ensure lively streets connecting a range of night-time activities	Supported	Within 12 months
4. Policing, enforcement and transport		
Action 4.1 Continue support for the ongoing NSW Police approach to community engagement and policing within the precincts; work with NSW Police and relevant bodies to support a safe and vibrant night-time economy	Supported	Within 12 months
Action 4.2 Promote responsible behaviour by developing messages and standards of behaviour that apply to venues and patrons; develop and promote tools and educational materials for industry	Supported-in-principle	Within 12 months
5. Cultural and behavioural change		
Action 5.1 Work with stakeholders to encourage and facilitate the use of vacant commercial spaces and public places for establishing pop-up performance and art offerings	Supported	Within 12 months
Action 5.2 Work with stakeholders to encourage and facilitate the use of publically owned land as well as privately owned spaces to enable the establishment of pop-up retail and food offerings	Supported	Within 12 months
Action 5.3 Actively promote the availability of range of food options at night in the precincts, for example food pop-ups/food trucks, including affordable food options	Supported-in-principle	Within 12 months
6. Diversity including arts and culture		
Action 6.1 Trial an increased late night retail and non-licensed premises trading program	Supported-in-principle	Within 6 months
Action 6.2 Facilitate the promotion and greater public awareness of the late night opening of Sydney's cultural institutions	Supported	Within 6 months
Action 6.3 Identify how vacant/unused spaces in the city centre and Kings Cross could be utilised for events and activities – for example markets, live music, light/art installations	Supported	Within 12 months
Action 6.4 Work with stakeholders to promote the activation of street frontages and look at improving processes to make it easier for places to be activated through outdoor dining and/or public art	Supported	Within 6 months

Action 6.5 Identify reforms necessary to the planning laws to enable the promotion and encouragement of multi-purpose venues – (i.e. book stores by day, small bar by night)	Supported	Within 12 months
Action 6.6 Work with stakeholders to support the night-time economy and the diverse offerings of Sydney after dark for all audiences – (i.e. arts and culture, sport, entertainment, retail, and hospitality)	Supported	Within 6 months
7. Communications		
Action 7.1 Establish an integrated media/marketing campaign and program that promotes: <ul style="list-style-type: none"> • The Sydney night-time economy as a safe and diverse place to visit for residents and visitor • The benefits of what has been achieved in the precincts, to encourage more diverse audiences to return to the city and Kings Cross; focus on the diverse offerings of the night-time economy in the precincts, not just alcohol • The safety of the city and Kings Cross with the reduction in violence, and encourage the community (individuals, family groups and friends) to visit and use the leisure attractions 	Supported-in-principle	Within 12 months
Action 7.2 Develop and implement a social marketing campaign to achieve cultural change / education to support responsible alcohol consumption and appropriate behaviour in the precinct after dark	Supported-in-principle	Within 12 months

Implementation of the government's response to the Action Plan

- 4.18** Within the terms of reference for this inquiry, the committee was tasked with reporting on progress and implementation of the government's response to the Sydney Night-Time Economy Action Plan.
- 4.19** When this inquiry commenced at the end of 2017, the committee received evidence that few action items had been implemented, notwithstanding that the timeframe identified by the government itself for each item had been no more than 12 months from the publication of the Action Plan in December 2016.
- 4.20** In September and October 2018, Create NSW provided evidence to the committee which suggested that significant work had been undertaken in the intervening months. However, while 14 of the 25 actions had been completed, 11 remained in progress.
- 4.21** The following sections discuss the action items in the groups adopted in NSW Government's supplementary submission 385a. The commentary sets out the relevant action item; the government's initial progress March and June 2018; stakeholder responses to the government's progress; and current progress made as at September/October 2018. Where specific suggestions were made by stakeholders as to how these items could be more appropriately actioned, these are noted.
- 4.22** Tables summarising the action taken by government as at June 2018 and September 2018 are published as Appendices 6 and 7.

Governance

1. Governance		
Action 1.1 Establish a new entity within Government which has ongoing responsibility to implement and monitor action plan progress and liaise with stakeholders to foster and promote Sydney’s night-time economy, with regular reporting to the Deputy Premier	Supported	Within 1 month

NSW Government action

4.23 In December 2016, Create NSW was assigned responsibility to lead the Sydney Night-Time Economy Taskforce (the taskforce), which is comprised of key government agencies including the NSW Department of Planning and Environment, Liquor & Gaming NSW and Destination NSW, and the City of Sydney.

4.24 Create NSW advised that following the establishment of the Taskforce, this item had been ascribed the status of 'Complete'.

4.25 Ms Alex O'Mara, Deputy Secretary of Create NSW, advised: 'The taskforce has focused on how to support those in the creative and the hospitality industries that underpin the night-time economy so people have the confidence to invest in those industries'.³¹⁹ Additionally, Ms O'Mara commented:

The taskforce recognises that while Sydney and NSW have a diverse and vibrant night-time cultural offer, more can be done. In implementing the recommendations of the roundtable, the taskforce has focused on practical measures that support live music, festivals, outdoor dining, retail, performing arts and transport.³²⁰

4.26 The committee heard that the taskforce had met every six weeks since February 2017 and was 'working very hard to progress some complex issues and find solutions'.³²¹

Stakeholder response

4.27 Many inquiry participants argued that the taskforce has not been an effective mechanism to coordinate and deliver the outcomes identified in the action plan. Amongst their concerns, stakeholders said:

- Create NSW is not adequately equipped to lead the taskforce thus there is a lack of coordination and urgency.³²²

³¹⁹ Evidence, Ms Alex O'Mara, Deputy Secretary, Create NSW, 24 September 2018, p 2.

³²⁰ Evidence, Ms O'Mara, 24 September 2018, p 2.

³²¹ See, Submission 385a, NSW Government, p 5; Evidence, Mr Tarek Barakat, Director, Strategic Policy, Research and Projects, Create NSW, 26 March 2018, p 5.

³²² Evidence, Clr Jess Scully, Councillor, City of Sydney, 26 March 2018, p 16.

- the taskforce has not met the proposed six to twelve-month deadlines for many of the actions,³²³ for example, the night-time economy masterplan and a contemporary music plan have not been developed³²⁴
- there appears to be no clear reporting and evaluation system to determine whether an action has been started, is in progress or has been completed³²⁵
- there is 'little-to-no' public information available on the taskforce's progress³²⁶
- as at March 2018, no planning instruments had changed³²⁷
- there continues to be a lack of coordinated late night transport options³²⁸
- the remit of the taskforce is too narrow and areas outside the City of Sydney should be included in the plan.³²⁹

September 2018 update

4.28 As noted above, following the establishment of the Taskforce, this item had been ascribed the status of 'Complete'. No further action was identified in September 2018.

Proposals to address the governance of the night-time economy

4.29 Inquiry participants advocated for a more coordinated and comprehensive approach to music and the arts and the night-time economy.³³⁰ For example, the Sydney Opera House stated that 'strong governance' and 'central coordination' is needed to ensure the government's cultural and night-time policies are implemented effectively, avoid duplication, and to ensure initiatives and policy priorities are 'clear, integrated and achievable'.³³¹

4.30 The City of Sydney suggested that the night-time economy should be elevated to a position where it receives an all-encompassing, whole-of-government approach that considers not only cultural policy, but also economic and planning policy.³³²

³²³ Submission 377, Live Nation Entertainment, p 1. Also see, Evidence, Ms Linda Scott, President, Local Government NSW, 26 March 2018, p 21; Evidence, Ms Emily Collins, Managing Director, MusicNSW, 26 March 2018, p 33.

³²⁴ Ms Scott, 26 March 2018, p 21.

³²⁵ Submission 241, City of Parramatta, p 3.

³²⁶ Submission 380, MusicNSW, p 3. Also see, Evidence, Ms Collins, 26 March 2018, p 33; Submission 237, Local Government NSW, p 4.

³²⁷ Evidence, Mr Barakat, 26 March 2018, p 3.

³²⁸ See, Submission 264, The Lansdowne Fifteen, p 2.

³²⁹ Evidence, Ms Scott, 26 March 2018, p 24. Also see, Submission 189, Lake Macquarie Council, p 2; Submission 241, City of Parramatta, p 2.

³³⁰ See, Evidence, Ms Scott, 26 March 2018, p 25; Submission 283, Live Music Office, p 5; Submission 378, Sonos Australian, Live Nation Entertainment, Time Out Australia, p 2.

³³¹ Submission 205, Sydney Opera House, p 1. Also see, Submission 212, Liverpool City Council, p 6; Evidence, Clr Scully, March 2018, p 16.

³³² Evidence, Clr Scully, 26 March 2018, p 16.

4.31 Likewise, Live Nation Entertainment commented that political leadership is needed to ensure that the vision of a vibrant and diverse night-time economy is delivered.³³³

4.32 Stakeholders suggested a range of different types of bodies that could be responsible for the night-time economy:

- a dedicated body, outside of Create NSW, that includes a cross-sector network of service providers, local governments, state agencies and business be appointed to lead the night-time economy³³⁴
- a dedicated team in the Department of Premier and Cabinet³³⁵
- a Minister for the Night Economy³³⁶
- a 'night mayor', like those operating in other major cities such as New York, London and Amsterdam³³⁷
- a commissioner-type body, like the Small Business Commissioner.³³⁸

4.33 It was suggested that responsibilities for this body could include:

- overseeing the implementation of the night-time economy masterplan,³³⁹ which should be accompanied by strategic actions plans to assist in identifying planning and investment opportunities, and align with the Greater Sydney Commission's Regional and District Plans³⁴⁰
- elevating the night-time economy to a state priority³⁴¹
- cutting red tape and supporting the coordination of planning, licensing and compliance issues for organisations that operate predominately during the night-time such as live music venues (examined throughout this report)
- overseeing the expansion of the action plan to areas outside of the City of Sydney.³⁴²

³³³ Submission 377, Live Nation Entertainment, p 1.

³³⁴ Submission 241, City of Parramatta, p 3.

³³⁵ See, Submission 283, Live Music Office, p 5; Evidence, Clr Scully, 26 March 2018, p 16.

³³⁶ See, Submission 283, Live Music Office, p 5; Submission 252, Sydney Small Bars, p 2.

³³⁷ See, Submission 373, Australian Taxpayers Alliance, p 10.

³³⁸ Submission 283, Live Music Office, p 5;

³³⁹ Submission 237, Local Government NSW, p 4.

³⁴⁰ See, Evidence, Ms Scott, 26 March 2018, p 21; Submission 241, City of Parramatta, p 2.

³⁴¹ Answers to questions on notice, City of Sydney, received 4 May 2018, p i.

³⁴² See, Answers to questions on notice, City of Sydney, 4 May 2018, p i; Evidence, Ms Scott, 26 March 2018, p 25; Evidence, Mr Mark Grimson, Wollongong City Council, 4 July 2018, p 4; Submission 241, City of Parramatta, pp 2-3; Submission 212, Liverpool City Council, p 1; Submission 211, Penrith City Council, p 1; Submission 235, Arts Mid North Coast, p 3.

Development of a masterplan

2. Planning, design and place making		
Action 2.1 Develop a night-time economy masterplan for Sydney	Supported	Within 12 months
Action 2.3 Develop targeted measures to support the masterplan to support safer places and spaces through place activation, lighting, “pedestrianising” areas, and other crime prevention through environmental design initiatives and activating streetscapes and building frontages	Supported	Within 12 months

NSW Government action

- 4.34** In April 2018, the NSW Government advised that the night-time economy masterplan would be informed by the work of the taskforce and would seek to promote and diversify Sydney's night-time economy:

The work of the NTE Taskforce to implement the NSW Government's Response to the NTE Roundtable's Action Plan forms the basis of a masterplan. The plan will aim to support the night-time economy and diversify Sydney's night-time offering in a sustainable and safe way. It will take into consideration current and proposed plans for Sydney, examine the impact of the Response and the current NTE landscape and will set out objectives.³⁴³

- 4.35** However, Create NSW had not been able to develop and implement the night-time economy masterplan within the 12-month timeframe.³⁴⁴ The government noted that while work had commenced on the masterplan and it was expected to be completed by the end of 2018, 'the timing of the release of the masterplan will be a matter for the government to consider'.³⁴⁵

Stakeholder response

- 4.36** Inquiry participants expressed frustration at the lack of a night-time economy masterplan. Indeed, Local Government NSW called on the NSW Government to 'immediately' develop the night-time economy masterplan.³⁴⁶

- 4.37** The City of Sydney described the masterplan as critical and said it will provide the strategic framework for the development of night-time economies across the Sydney Metropolitan Area:

A masterplan that supports development and management of local night-time economies across the Sydney Metropolitan Area is essential. It could provide the strategic framework necessary to support local community aspirations, create greater diversity of leisure and entertainment options, support development of cultural tourism and reduce pressure on the influx of people coming into the Sydney CBD.³⁴⁷

³⁴³ Submission 385a, NSW Government, p 9.

³⁴⁴ See, Evidence, Ms Scott, 26 March 2018, p 21.

³⁴⁵ See, Answers to supplementary questions on notice, Create NSW, received 2 May 2018, p 3; Evidence, Mr Barakat, 26 March 2018, p 4.

³⁴⁶ Submission 237, Local Government NSW, p 4.

³⁴⁷ Submission 246, City of Sydney, p 4. Also see, Evidence, Ms Scott, 26 March 2018, p 21.

4.38 Likewise, the Committee for Sydney argued that a masterplan, in conjunction with a with a single, coordinating body will provide clear, overarching direction for the development of the night-time economy and cut through red tape.³⁴⁸

4.39 Inquiry participants proposed that the masterplan:

- encompass all New South Wales, in particular the plan should develop a focus for night time activation in non-metropolitan areas³⁴⁹
- should be accompanied by strategic actions plans – to assist in identifying planning and investment opportunities – that are developed in conjunction with local governments and are accountable and publicly reported³⁵⁰
- align with the Greater Sydney Commission's Regional and District Plans.³⁵¹

September 2018 update

4.40 The government advised that action on the masterplan is 'In progress', stating that: 'The NTE Masterplan is in development and is expected to be completed by the end of 2018. It will include a targeted range of measures across Sydney to drive coordinated action.'³⁵²

4.41 The government advised that item 2.3 – being the 'development of targeted measures to support the masterplan to support safer places' – was 'Complete' and that measures were adopted in 2017, notwithstanding that the masterplan itself is still in progress.

A central repository of NTE data

2. Planning, design and place making		
Action 2.2 Establish a central repository, that includes economic and visitor data, regulatory, crime and health data to inform business planning and decision making in relation to the Sydney night-time economy	Supported	Within 6 months

NSW Government action

4.42 The government advised that this action is being led by the NSW Data Analytics Centre (DAC) and seeks to create a central repository for economic, visitor, regulatory, transport, crime and health data to inform business planning and decision making in relation to the Sydney night-time economy.³⁵³ In June 2018 this item was ascribed the status 'In progress'.

³⁴⁸ Evidence, Mr Michael Rose, Chair, Committee for Sydney, 26 March 2018, p 46.

³⁴⁹ Submission 237, Local Government NSW, p 4.

³⁵⁰ Evidence, Ms Scott, 26 March 2018, p 21.

³⁵¹ Submission 241, City of Parramatta, p 2.

³⁵² Answers to questions on notice, Create NSW, received 17 October 2018, Attachment A, p 1.

³⁵³ Submission 385a, NSW Government, pp 9-10.

September 2018 update

- 4.43** In September 2018, the committee heard that this item remained 'In progress' and that the DAC would finalise an analysis of night-time activity in October 2018.³⁵⁴
- 4.44** Additionally, Ms O'Mara advised that Professor Greg Clark, an international expert on global cities, had been commissioned to analyse Greater Sydney's overall arts attendance, including to live music, theatre performances and dance events.³⁵⁵

City planning and precincts, review of entertainment noise regulations, and major music events within the NTE precincts

2. Planning, design and place making		
Action 2.4 Foster stronger management and governance of the night-time economy in areas of high activity – for instance through independent hosts supported by local government (as in Amsterdam / similar to Take Kare ambassadors)	Supported	Within 12 months
Action 2.5 Review planning controls relating to entertainment precincts, to avoid high concentrations of licensed venues and related cumulative impacts	Supported-in-principle	Within 12 months
Action 2.6 Activate streetscapes and building frontages	Supported	Within 12 months
Action 2.7 Identify reforms to the planning regulations – through changes to Exempt and Complying Development (e.g. to encourage start-ups, creative and small business) and the Building Code of Australia (BCA)	Supported	Within 12 months
4. Policing, enforcement and transport		
Action 4.1 Continue support for the ongoing NSW Police approach to community engagement and policing within the precincts; work with NSW Police and relevant bodies to support a safe and vibrant night-time economy	Supported	Within 12 months
5. Cultural and behavioural change		
Action 5.1 Work with stakeholders to encourage and facilitate the use of vacant commercial spaces and public places for establishing pop-up performance and art offerings	Supported	Within 12 months

³⁵⁴ Evidence, Ms O'Mara, 24 September 2018, pp 2-3.

³⁵⁵ Evidence, Ms O'Mara, 24 September 2018, p 2.

Action 5.2 Work with stakeholders to encourage and facilitate the use of publically owned land as well as privately owned spaces to enable the establishment of pop-up retail and food offerings	Supported	Within 12 months
Action 5.3 Actively promote the availability of range of food options at night in the precincts, for example food pop-ups/food trucks, including affordable food options	Supported-in-principle	Within 12 months
6. Diversity including arts and culture		
Action 6.1 Trial an increased late night retail and non-licensed premises trading program	Supported-in-principle	Within 6 months
Action 6.3 Identify how vacant/unused spaces in the city centre and Kings Cross could be utilised for events and activities – for example markets, live music, light/art installations	Supported	Within 12 months
Action 6.4 Work with stakeholders to promote the activation of street frontages and look at improving processes to make it easier for places to be activated through outdoor dining and/or public art	Supported	Within 6 months
Action 6.5 Identify reforms necessary to the planning laws to enable the promotion and encouragement of multi-purpose venues – (i.e. book stores by day, small bar by night)	Supported	Within 12 months
Action 6.6 Work with stakeholders to support the night-time economy and the diverse offerings of Sydney after dark for all audiences – (i.e. arts and culture, sport, entertainment, retail, and hospitality)	Supported	Within 6 months

NSW Government action

- 4.45** The NSW Government acknowledged that the current regulatory framework for venues is complex and assured the committee that it is committed to reducing red tape in the planning and licensing regimes to incentivise creative business.³⁵⁶ For example the government advised that the NSW Department of Planning and Environment was investigating opportunities to reform building and planning regulations to cut red tape and activate space:

The Taskforce, with the Department of Planning and Environment (DPE), is reviewing and investigating reforms to building and planning regulations aimed at reducing red-tape and making it easier to activate places and spaces for arts and cultural activity. DPE is conducting targeted consultations to better understand the challenges to inform possible solutions.³⁵⁷

- 4.46** In relation to most of the items in this group, the government advised that it was 'investigating' the issues and reforms and was 'facilitating discussions between relevant regulators' or 'working

³⁵⁶ See, Evidence, Ms Alison Frame, Deputy Secretary for Policy and Strategy, NSW Department of Planning and Environment, 14 September 2018, p 29; Also see, Evidence, Ms O'Mara, 24 September 2018, pp 2-3; Evidence, Mr Barakat, 26 March 2018, p 3.

³⁵⁷ Submission 385a, NSW Government, p 6.

with' these regulators.³⁵⁸ For example, Create NSW advised that it is facilitating discussions between the NSW Department of Planning and Environment, Liquor & Gaming NSW, the Ministry for Police, the NSW Environment Protection Authority and City of Sydney, to review noise regulations:

The NTE Taskforce is investigating the management of entertainment noise in a way that balances the needs of the live music industry, while providing community and resident amenity. The Taskforce is facilitating discussions with relevant regulators to provide more clarity around noise regulation for council officers, venues and the community.³⁵⁹

4.47 Noise regulations are examined further in Chapter 8.

4.48 Regarding events in night time economy precincts, the government advised that it supported various cultural activities in a number of established arts institutions such as the Art Gallery of NSW, the Australian Museum, the State Library of NSW, the Powerhouse Museum and the Museum of Contemporary Art. These programs prioritised arts in the night time economy, however music was not necessarily the primary focus of the events.³⁶⁰

4.49 In total, as at June 2018, two of the 13 items in this group had been completed. The remainder were listed as 'In progress'.³⁶¹

Stakeholders response

4.50 Stakeholders invariably described the regulatory framework for creative venues as:

- 'incredibly complex and convoluted' and 'full of regulation overlap and excessive red tape'³⁶²
- '[full of] far too much antiquated, excessive legislation and legal compliance'³⁶³
- 'the most archaic regulation of any state'.³⁶⁴

4.51 According to inquiry participants, the regulatory environment impedes the commercial viability of venues that host cultural activities.³⁶⁵ For example, The Live Music Office stated:

For applicants and operators unfamiliar with how the system works, this situation has seen many people embarking on setting up small businesses only to take out commercial

³⁵⁸ Submission 385a, NSW Government, pp 6-9.

³⁵⁹ Submission 385a, NSW Government, p 6.

³⁶⁰ Submission 385a, NSW Government, pp 6-9.

³⁶¹ Answers to questions on notice, Create NSW, received 27 June 2018, Attachment A, pp 1-3.

³⁶² Submission 380, MusicNSW, p 7. Also see, Submission 283, Live Music Office, p 5.

³⁶³ Submission 379, Century Venues, p 5. Also see, Evidence, Ms Justine Baker, Chief Executive Officer, Solotel Group, 26 March 2018, p 39.

³⁶⁴ Submission 261, Sydney Fringe Festival, p 7.

³⁶⁵ See, Submission 283, Live Music Office, p 5; Submission 380, MusicNSW, p 7; Submission 261, Sydney Fringe Festival, pp 7-8; Evidence, Mr Karl Schlothauer, President, NSW Independent Bars Association, 24 August 2018, p 46; Evidence, Ms Penelope Benton, General Manager, National Association of the Visual Arts, 28 May 2018, p 41; Evidence, Ms Baker, 26 March 2018, p 39.

leases on premises whilst then subject to non-aligned processes through the licensing and planning process and ultimately walk away from substantial capital outlay without having opened their doors.³⁶⁶

4.52 Moreover, the City of Sydney stated that the regulatory framework has resulted in New South Wales becoming 'one of the most over-insured, over-risk managed places in the world'.³⁶⁷ Councillor Jess Scully from the City of Sydney, suggested that relaxing regulations would encourage the staging of more music and arts events.³⁶⁸

4.53 There was overwhelming support to remove red tape for creative venues. For example, Mr Jon Perring, Proprietor of The Tote, a live music venue in Melbourne, stated that significant regulatory reform needs to take place to ensure creativity can flourish:

... [there is a need] to seriously consider serious meaningful regulatory reform to allow the creation of spaces where music can be performed; that is, minimal red tape to establish and operate a venue; practical land-use policies that allow as-of-right use, ... practical and sensible liquor licensing laws that are not overly prescriptive and draconian; shared responsibility of amenity protection across the community between residents, developers and venues; skilled and sensitive enforcement practice ...³⁶⁹

4.54 Similarly, Local Government NSW stated: 'We think there is a need for a good hard look at the regulations that exist and a more streamlined process that may involve reducing regulation to create a cultural sector that is able to thrive in New South Wales'.³⁷⁰

4.55 These concerns will be further addressed in the following chapters of this report: the planning framework (examined in Chapter 6); liquor licensing (examined in Chapter 7); noise regulations (examined in Chapter 8); and the lockout precincts in Sydney's CBD and King Cross (examined in Chapter 3).

September 2018 update

4.56 Create NSW told the committee that certain planning laws had been amended to make it easier for new venues to be established, such as craft breweries, distilleries and artisan food premises.³⁷¹ The planning framework for creative venues is examined in Chapter 6.

4.57 Ms O'Mara from Create NSW 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 lockout times.³⁷² The government also advised that the Office of the Small Business

³⁶⁶ Submission 283, Live Music Office, p 16.

³⁶⁷ Evidence, Clr Scully, 26 March 2018, p 17.

³⁶⁸ Evidence, Clr Scully, 26 March 2018, p 18.

³⁶⁹ Evidence, Mr Jon Perring, Proprietor, The Tote Hotel, 7 August 2018, p 34. Also see, Evidence, Mr Dean Ormston, Chief Executive Officer, APRA AMCOS, 26 March 2018, p 27; Submission 233, Central Station Records, p 1.

³⁷⁰ Evidence, Ms Scott, 26 March 2018, p 25. Also see, Evidence, Ms Collins, 26 March 2018, p 36.

³⁷¹ See, Evidence, Ms O'Mara, Create NSW, 24 September 2018, p 2.

³⁷² See, Evidence, Ms O'Mara, 24 September 2018, pp 2-3.

Commissioner and Service NSW are implementing an Outdoor Dining Trial in seven metropolitan and regional local government areas.³⁷³

4.58 Create NSW further advised that the Department of Planning and Environment will release a discussion paper in mid-2019 relating to building, planning and noise controls for creative spaces.³⁷⁴

4.59 The government also gave evidence that the following initiatives had been undertaken to support these action points:

- providing support to major music and cultural events in the city precincts
- providing outreach through the Safe Space and Take Kare programs
- investigating the merits of seeking a New South Wales variation to the National Construction Code to enable small arts organisations to operate from a wider range of building classes
- partnering with institutions to activate precincts around the Inner Sydney.³⁷⁵

4.60 The government advised that, of the 13 items in this group, six had been 'Completed' and seven remained 'In progress'.

Media and marketing, and promoting vibrancy and diversity

3. Access and transport		
Action 3.1 Establish an online app or portal to provide real time information about what's on and open and how to access	Supported-in-principle	Within 12 months
4. Policing, enforcement and transport		
Action 4.2 Promote responsible behaviour by developing messages and standards of behaviour that apply to venues and patrons; develop and promote tools and educational materials for industry	Supported-in-principle	Within 12 months
6. Diversity including arts and culture		
Action 6.2 Facilitate the promotion and greater public awareness of the late night opening of Sydney's cultural institutions	Supported	Within 6 months
7. Communications		
Action 7.1 Establish an integrated media/marketing campaign and program that promotes: <ul style="list-style-type: none"> • The Sydney night-time economy as a safe and diverse place to visit for residents and visitor • The benefits of what has been achieved in the precincts, to encourage more diverse audiences to return to the city and Kings Cross; focus on the diverse offerings of the night-time economy in the precincts, not just alcohol 	Supported-in-principle	Within 12 months

³⁷³ Answers to questions on notice, Create NSW, received 17 October 2018, p 7.

³⁷⁴ Answers to questions on notice, Create NSW, received 17 October 2018, p 7.

³⁷⁵ See, Submission 385a, NSW Government, pp 6-9; Evidence, Ms O'Mara, 24 September 2018, p 2; Answers to questions on notice, Create NSW, received 2 May 2018, p 5

<ul style="list-style-type: none"> The safety of the city and Kings Cross with the reduction in violence, and encourage the community (individuals, family groups and friends) to visit and use the leisure attractions 		
<p>Action 7.2 Develop and implement a social marketing campaign to achieve cultural change / education to support responsible alcohol consumption and appropriate behaviour in the precinct after dark</p>	Supported-in-principle	Within 12 months

NSW Government action

- 4.61** In early 2018, the government advised that all items in this group were 'In progress', although work had commenced. For example, a comprehensive Marketing and Communications Strategy to guide development of a media and marketing campaign to promote Sydney’s NTE as vibrant, safe and diverse was being implemented, and the Create NSW website had a 'Sydney at Night' webpage showcasing the night-time arts and cultural offerings in the NTE Precincts.³⁷⁶
- 4.62** The government also told the committee that a Stakeholder Engagement Plan had been endorsed by the Taskforce and was being implemented. Create NSW was also working with the Committee for Sydney as a member of its Night-Time Economy Commission, and Liveability/Lovability Taskforce, to promote and enhance the night-time offerings in Sydney.³⁷⁷

Stakeholder response

- 4.63** There was some concern from stakeholders that the wider community were not adequately aware of the night-time activities available in Sydney. Mr Michael Rose, Chair of the Committee for Sydney, told the committee that research conducted as part of the *Sydney As A 24-Hour City* report found that more people would go out at night, particularly for entertainment, if there was greater choice and accessibility of activities.³⁷⁸
- 4.64** The Committee for Sydney noted that the perception that Sydney's nightlife 'is not the night time place that it once was, or could be, 'had contributed to the city's declining appeal for visitors.³⁷⁹ Additionally, Mr Rose noted that despite the city's great cultural assets and potential visitor appeal, Sydney 'underperforms' at generating social media 'buzz'.³⁸⁰
- 4.65** Similarly, Ms Justine Baker, Chief Executive Officer of Solotel, emphasised the importance of developing a 'new narrative' about Sydney's night-life that encourages 'positivity, diversity, and innovation'.³⁸¹ Concerns about Sydney's cultural reputation are examined in Chapter 3.

September 2018 update

- 4.66** The government advised that of the five action items in this group, three were now 'Complete'.

³⁷⁶ Submission 385a, NSW Government, p 5.
³⁷⁷ Submission 385a, NSW Government, pp 5-6.
³⁷⁸ Evidence, Mr Rose, 26 March 2018, p 47.
³⁷⁹ Evidence, Mr Rose, 26 March 2018, p 48.
³⁸⁰ Evidence, Mr Rose, 26 March 2018, pp 48-49.
³⁸¹ Evidence, Ms Baker, 26 March 2018, p 40.

- 4.67** Two remained 'In progress'. In relation to item 3.1, an online app or portal, the government advised that while there are already a number of mechanisms in place to find out what is going on in Sydney, there was still a need for a small but focused customer research piece of work to be completed to verify if there is a gap in online information and, if so, what that gap is. In relation to item 4.2, which recommends the promotion of responsible behaviour, the committee was advised that a plan had been developed as part of a broader media and marketing campaign. Although this campaign was said to have already been endorsed by the Taskforce, the item was still listed as 'In progress'.
- 4.68** Of those items ascribed the status of 'Complete', item 6.2 was described as 'business as usual for Create NSW'; and 7.1 and 7.2 were said to have been addressed by the same media and marketing campaign referred to above in relation to item 4.2. It is noted that this media campaign is listed as having been endorsed by the Taskforce as far back as 2017. In June 2018, notwithstanding that the campaign had already been endorsed, items 7.1 and 7.2 had been listed as 'In progress' and item 4.2, which is also captured by the same campaign (noted above), remains listed as 'In progress' in October 2018. The disparity between the status of these items was not addressed.³⁸²

Transport

3. Access and transport		
Action 3.2 Establish a world class wayfinding system for visitors to access public transport hubs and major facilities	Supported	Within 12 months
Action 3.3 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	Noted	N/A
Action 3.4 Identify ways to improve walkability and accessibility in the public domain; improve the connections between entertainment offerings to ensure lively streets connecting a range of night-time activities	Supported	Within 12 months

NSW Government action

- 4.69** 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.³⁸³
- 4.70** Wayfinding systems had been upgraded in the Sydney CBD at all train stations, bus stops, ferry wharves and light rail stops, most recently at Barangaroo. Other actions had also been taken to

³⁸² Answers to questions on notice, Create NSW, received 17 October 2018, Attachment A, p 5; p 6; p 9.

³⁸³ Answers to questions on notice, NSW Government, received 2 May 2018, p 2.

address item 3.3, including hiring Pink Shirt advisory staff and provision of additional bus and light rail services.³⁸⁴

Stakeholder response

- 4.71 Stakeholders expressed concern about the lack of late-night transport options.³⁸⁵ Indeed, as Mr Michael Rose, Chair of the Committee for Sydney, stated that insufficient public transport affects visitor and destination appeal.³⁸⁶

September 2018 update

- 4.72 The government advised that as at September 2018, Transport for NSW has started new all-night bus services on Routes M54, 400, 420N and 423.³⁸⁷ Transport for NSW also funds 12 secure taxi ranks in the Sydney CBD late at night.³⁸⁸
- 4.73 Item 3.4, previously listed as 'In Progress' was now advised as 'Complete'. The action taken was advised as: 'The City of Sydney and Transport for NSW will make continuous improvement to accessibility'.³⁸⁹

Committee comment

- 4.74 The committee notes that the NSW Government has attempted to overcome its 'siloes' approach to the night-time economy through the establishment of the Sydney Night-Time Economy Taskforce.
- 4.75 However, the taskforce has been slow to deliver significant tangible outcomes on most of the action points identified in the *NSW Government Response to the Sydney Night-Time Economy Action Plan* and, in a number of cases, items are still in progress.
- 4.76 The committee also questions the veracity of some of the progress updates provided by the government. On the face of it, the number of items listed as 'Completed' has grown significantly during the course of this inquiry, suggesting that considerable progress has been made. However, on delving deeper, the committee notes that in some cases items have been listed as 'Complete' notwithstanding that the action taken in relation to them has not progressed since June when they were listed as 'In progress' (eg items 2.3, 2.4, 7.1 and 7.2).
- 4.77 In other cases, the status of 'Complete' has been ascribed to items on which the action taken is unclear. For example, item 3.4 requires the government to 'identify ways to improve walkability and accessibility in the public domain'. The committee notes that this item is listed as 'complete',

³⁸⁴ Submission 385a, NSW Government, p 10.

³⁸⁵ See, Evidence, Clr Scully, 26 March 2018, p 16; Evidence, Ms Scott, 26 March 2018, p 24; Evidence, Mr Rose, 26 March 2018, p 49.

³⁸⁶ Evidence, Mr Rose, 26 March 2018, p 48; Also see, Mr Michael Rodrigues, Managing Director, Time Out Australia, 26 March 2018, p 39.

³⁸⁷ Answers to questions on notice, Create NSW, received on 17 October 2018, Attachment A, p 4; Also see, Evidence, Ms O'Mara, 24 September 2018, p 2.

³⁸⁸ Answers to questions on notice, Create NSW, received on 17 October 2018, Attachment A, p 4.

³⁸⁹ Answers to questions on notice, Create NSW, received on 17 October 2018, Attachment A, p 4.

but the action taken is: 'The City of Sydney and Transport for NSW will make continuous improvements to accessibility'. The committee considers this to be a commitment to take action, rather than evidence that tangible action has been taken.

- 4.78** Ultimately, the committee believes the taskforce is constrained by inadequate leadership on the part of Create NSW. The agency may not have the capacity to undertake the significant responsibilities associated with coordinating the Sydney Night-Time Economy Taskforce. The committee recognises that there is an urgent and overwhelming need to adopt a whole-of-government approach to the night-time economy and elevate the prominence of policy and action aimed at supporting and enhancing the night-time economy.
- 4.79** Drawing on the suggestions made by a number of stakeholders, the committee recommends that the Department of Premier and Cabinet assume responsibility for policy related to supporting and enhancing the night-time economy, including coordination of the Sydney Night-Time Economy Taskforce. As part of this role, the Department of Premier and Cabinet should ensure that there are adequate mechanisms in place to ensure accountability in relation to implementation of the various action items set out in the Roundtable Action Plan.
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Recommendation 25

That the Department of Premier and Cabinet assume responsibility for policy related to supporting and enhancing the night-time economy, including coordination of the Sydney Night-Time Economy Taskforce.

- 4.80** The committee notes inquiry participants are frustrated by the government's inaction in delivering the night-time economy masterplan. While we accept that the work being undertaken by the taskforce will inform the plan, it is still almost 12 months overdue. The difficulties that this has created for other agencies, councils and industry stakeholders who are keen to ensure that their own plans do not operate at odds with the government's plans and priorities have been set out earlier in this chapter. The committee therefore recommends that the NSW Government complete and publish the night-time economy masterplan by no later than December 2018.
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Recommendation 26

That the NSW Government complete and publish the night-time economy master plan by no later than December 2018.

- 4.81** The committee acknowledges the complexity of the regulatory environment for venues hosting cultural activities. It is disappointing, but not unexpected, to receive evidence that the current framework discourages venues from hosting cultural events, particularly live music. We note that the Sydney-Night Time Economy Taskforce is responsible for overseeing the investigations reforms to planning and licensing regulations to support venues to operate. Despite assurances from the government that investigations are taking place, we believe that there has been unsatisfactory progress in this area to date.
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4.82 Owing to the significant volume of evidence received in relation to the complexities of the regulatory environment, the committee has adopted the approach of addressing these issues individually throughout the remaining chapters of this report.

Chapter 5 Support, remuneration and education for musicians

This chapter examines the challenges of being a musician in New South Wales, including concerns about fair pay and the impact of career instability on a person's mental health and wellbeing. It discusses opportunities to ensure musicians are appropriately remunerated and considers the work of Support Act, Australia's only charity dedicated to delivering crisis relief to artists and music industry professionals. The chapter concludes by considering the importance of music education for young people.

Musicians

- 5.1** Stakeholders, many of whom were artists and performers, told the committee about the challenges of working in the music industry. A principle concern was that many artists are not remunerated appropriately. Indeed, the committee heard that despite being highly qualified,³⁹⁰ artists and performers are often not paid the minimum hourly rate under the Live Performance Award, which is \$40 per hour.³⁹¹ For example, the Media, Entertainment and Arts Alliance (MEAA) informed the committee that respondents to its 2018 Musicians Survey received an average hourly rate of \$7.58.³⁹² The pay rates under the award are set out in paragraph 5.16.
- 5.2** Mr Patrick Donovan, Chief Executive Officer of Music Victoria, said that musicians can also be 'exploited' by venues.³⁹³ Likewise, Ms Rebecca Belt, Director, Country Music Association of Australia, observed that certain venue operators expect that musicians play for 'exposure', often for little or no pay.³⁹⁴
- 5.3** This was supported by the 2018 findings of the MEAA survey referenced in paragraph 4.1. The MEAA said that respondents reported that 25 per cent of their gigs are unpaid, and 35 per cent of respondents were paid less than the agreed fee at least 10 per cent of the time.³⁹⁵ The case study below describes the experience of Ms Renee Simone.

³⁹⁰ Tabled document, MEAA, MEAA Musicians Survey 2018, p 1.

³⁹¹ Live Performance Award, http://awardviewer.fwo.gov.au/award/show/MA000081#P992_102869; Evidence, Mr Ilona Harker, Artist, 31 July 2018, p 52.

³⁹² Tabled document, MEAA, MEAA Musicians Survey 2018, p 1.

³⁹³ Evidence, Mr Patrick Donovan, Chief Executive Officer, Music Victoria, 7 August 2018, p 16.

³⁹⁴ Ms Rebecca Belt, Director, Country Music Association of Australia, 23 August 2018, p 23.

³⁹⁵ Tabled document, MEAA, MEAA Musicians Survey 2018, p 1.

Case study: Ms Renee Simone³⁹⁶

Ms Renee Simone, an artist in Byron Bay, said that musicians are not adequately remunerated. For example, an artist playing at the farmers' market may earn \$65 for three hours and the main community markets pay \$100 for five hours. In addition, artists are often not paid at all, even for performances on New Year's Eve. Ms Simone cautioned that this inadequate rate of pay, coupled with the increasing cost of living in her local area is forcing artists to into compromised living conditions.

5.4 Mr Jack Lincoln shared a similar experience in the case study below.

Case study: Mr Jack Lincoln³⁹⁷

Mr Jack Lincoln is 19 years old and is currently studying a Bachelor of Performance (Jazz) at the Sydney Conservatorium of Music. Mr Lincoln is also a working musician who plays trombone and guitar, both solo and in a band, and under the name Ducks is embarking on a solo recording projects. Mr Lincoln also tutors school students.

Despite his expertise, Mr Lincoln performs two gigs per month and receives approximately \$150 for a 3-4 hour jazz performance, and 'expects' no money for his rock acts.³⁹⁸

- 5.5 In addition, the committee heard that many musicians do not receive significant returns from streaming and publishing.³⁹⁹ The MEAA survey found that only 12 per cent of respondents' income was drawn from recording, broadcasting/streaming, publishing and sales.⁴⁰⁰
- 5.6 Mr Clive Miller, Chief Executive Officer of Support Act, told the committee that the failure to remunerate artists means that many artists and music workers live in 'near poverty'.⁴⁰¹ Mr Miller noted that Music Australia's statistical snapshot from March 2016 reported that 56 per cent of all Australian musicians earn less than \$10,000 from their creative income, with only 16 per cent earning more than \$50,000.⁴⁰²
- 5.7 The case study below discusses the experience of New South Wales artist Ms Isabella Manfredi, who despite having found international acclaim with her band The Preatures often still earns minimum wage.

³⁹⁶ Evidence, Ms Renee Simone, Artist, 31 July 2018, p 48 and p 52.

³⁹⁷ Submission 165, Mr Jack Lincoln; Evidence, Mr Jack Lincoln, Artist, 4 July 2018, p 15 p 17.

³⁹⁸ Evidence, Mr Lincoln, 4 July 2018, p 15 p 17.

³⁹⁹ Evidence, Mr Dean Ormston, Chief Executive Officer, APRA AMCOS, 26 March 2018, p 27.

⁴⁰⁰ Tabled document, MEAA, MEAA Musicians Survey 2018, p 1.

⁴⁰¹ Evidence, Mr Clive Miller, Chief Executive Officer, Support Act, 24 August 2018, p 61. Also see, Answers to questions on notice, City of Sydney, 4 May 2018, p 4.

⁴⁰² Evidence, Mr Miller, 24 August 2018, p 61. Also see, Answers to questions on notice, City of Sydney, 4 May 2018, p 4.

Case study Ms Isabella Manfredi⁴⁰³

Since 2008, Sydney artist Ms Isabella Manfredi has performed with her band The Preatures. During the initial stages of Ms Manfredi's career the band 'cut its teeth' gigs at small venues across the city.

In 2013, The Preatures song 'This Is How It Feels' won the prestigious Vanda & Young Songwriting Competition. The accolade propelled the band onto the international stage, playing at major festivals, such as Coachella and Glastonbury, completing a number of back-to-back tours in the United States and Europe, and supporting the Rolling Stones and Pink. During that time, The Preatures were introduced to the great nightlife cultures of cities like Berlin, London, New York, Seoul, San Francisco and Melbourne. The Preatures also returned to Sydney and headlined at The Metro Theatre and the Enmore Theatre.

Although nothing could prepare Ms Manfredi and the band for this type of success, The Preatures had had more than four years of experience to lean on, having worked their way up in Sydney from playing to two or three friends to a few hundred fans to 1,000. In 2018, the band supported Harry Styles and played for 20,000 people at the Domain and Allphones Arena.

Like a great sports team, the band's success was forged through training, opportunity, support and perseverance. Indeed, The Preatures were required to make a number of personal sacrifices for their passion, including spending hours loading in and loading out of gigs, holding late-night rehearsals, catching early flights, keeping day jobs, and spending hours on the road away from family.

Ms Manfredi noted many people believe that entertainers earn lots of money, however, despite their success and being known as one of the best and most hardworking bands in Australia, Ms Manfredi and her band live hand-to-mouth, often earning minimum wage, and their business is precarious with very little security. This was concerning as the vast majority of bands do not command the same amount respect and remuneration as The Preatures.

5.8 The committee heard that the lack of income has significant adverse impacts for artists, for example:

- artists cannot afford to live in Sydney⁴⁰⁴
- most artists work part-time in order to support their creative endeavours⁴⁰⁵
- older musicians cannot afford to pay private rents when they move on to the aged pension.⁴⁰⁶

5.9 Stakeholders also expressed concern that these obstacles contribute to artists' poor mental health. For example, the committee heard that in 2016, a study commissioned by Entertainment Assist and Victoria University suggested there are high levels of anxiety, depression and other

⁴⁰³ Evidence, Ms Isabella Manfredi, Artist, The Preatures, 28 May 2018, p 21.

⁴⁰⁴ Evidence, Clr Jess Scully, Councillor, City of Sydney, 26 March 2018, p 15; Evidence, Ms Emily Collins, Managing Director, MusicNSW, 26 March 2018, p 33; Evidence, Mr Michael Rose, Chair, Committee for Sydney, 26 March 2018, p 50.

⁴⁰⁵ Evidence, Mr Dave Ruby Howe, Music Director, triple j Unearthed, triple j, 17 September 2018, p 41.

⁴⁰⁶ Evidence, Mr Miller, 24 August 2018, p 61.

mental health issues, including suicide ideation across all sectors of the entertainment industries.⁴⁰⁷

- 5.10** The case study below discusses the concerns raised by Mr Tim Levinson, who performs as Urthboy, about the lack of job and income security for musicians.

Case study: Urthboy⁴⁰⁸

Mr Tim Levinson is a hip hop MC and producer from New South Wales who performs as Urthboy. Mr Levinson is a founding member of the hip-hop group The Herd, and co-founded and manages record label Elefant Traks. Mr Levinson has released five solo albums, in addition to five albums with The Herd. Additionally, in 2010, he won an AIR (Australian Independent Record Labels Association) Award for Best Hip Hop Album, and has been nominated for other awards.

Mr Levinson observed that most musicians, even those who tour internationally, must work part time in other jobs to support their creative endeavours. Despite working hard to ensure Australian stories are shared and culture is developed, musicians often have no job security or safety net should performance opportunities cease. Indeed, performers do not have superannuation, award wages, holiday pay; or maternity leave which contributes to their high rates of anxiety and increased risk of suicide.

- 5.11** Mr Marcus Wright, Director of Big Apachee, suggested that the union [Musicians' Union of Australia] is considered more token than anything that actually achieves anything.⁴⁰⁹
- 5.12** Mr Wright also stated: 'Musicians are getting paid less than what they were 22 years ago ... I know some venues where I actually still work at where the pay rate has not changed in 15 years. I do not know if any other industry could say the same thing.'⁴¹⁰
- 5.13** This was supported by Mr Grant Walmsley of The Screaming Jets who said: 'I was making a living in 1985 to 1987 playing music and I can tell you for a fact that the pay grade has gone down considerably'.⁴¹¹
- 5.14** Other concerns raised about artists included:
- musicians lack sustainable career paths⁴¹²
 - many artists are self-employed and lack the appropriate knowledge and understanding of the range of arts business skills relating to their area of work and employment⁴¹³
 - female artists, particularly musicians, experience sexual harassment⁴¹⁴

⁴⁰⁷ Evidence, Mr Miller, 24 August 2018, p 61.

⁴⁰⁸ Evidence, Mr Tim Levinson, Artist, Urthboy, 26 March 2018, p 30.

⁴⁰⁹ Submission 242, Big Apachee, p 1.

⁴¹⁰ Evidence, Mr Marcus Wright, Director, Big Apachee, 23 August 2018, p 23.

⁴¹¹ Evidence, Mr Grant Walmsley, The Screaming Jets, 23 August 2018, p 23.

⁴¹² Answers to questions on notice, City of Sydney, 4 May 2018, p 4.

⁴¹³ Submission 154, South East Arts, p 1.

⁴¹⁴ Evidence, Ms Harker, 31 July 2018, p 47 and p 48, and p 50.

- there is inadequate support for small-medium artists.⁴¹⁵

5.15 The case study below details the experience of Ms Ilona Harker who shared her story of working in the music industry.

Case study Ms Ilona Harker⁴¹⁶

Ms Ilona Harker is a singer, musician, producer and writer who has been in the music industry for 25 years. Ms Harker's experience includes performances at well-known festivals, such as Big Day Out, Bluesfest, Splendour in the Grass and The Falls Festival, as well as interstate and overseas venues.

Over the years Ms Harker has worked many jobs in varying fields to support her passion for the arts. For example, she has worked as a music and memory therapist for people with dementia in western New South Wales and around south-east Queensland. Ms Harker's current project combines health, entertainment, arts and will take her skills into prisons and rural communities to help with issues such as suicide, isolation and depression.

Despite Ms Harker's extensive work experience, for the past two years she has been homeless which has affected her mental health, and has had adverse impacts on her son.

Ms Harker also expressed concern that many women in the music industry have experienced sexual harassment and inappropriate behaviour by men in positions of power. Moreover, she noted that female performers often receive less pay than their male counterparts.

Providing a safety net for musicians

5.16 Inquiry participants supported having an income safety net for musicians.⁴¹⁷ The table below sets out the minimum hourly rate for musicians in accordance with the Live Performance Award.

Table 5 Live Performance Award - Minimum hourly rate for musicians

Minimum hourly wage \$	
Musicians	40.00
Musicians accompanying artists	42.11
Principal Musicians	46.98
Conductor—Leader	50.97

Live Performance Award http://awardviewer.fwo.gov.au/award/show/MLA000081#P1143_115701.

⁴¹⁵ Evidence, Ms Kerry Glasscock, Chief Executive Officer, Sydney Fringe Festival, 26 March 2018, p 64.

⁴¹⁶ Evidence, Ms Harker, 31 July 2018, p 47 and p 48, and p 50.

⁴¹⁷ Evidence, Ms Simone, 4 July 2018, p 48.

- 5.17** The award also sets out pay rates for other performers, such as dancers. The Broadcasting, Recorded Entertainment and Cinemas Award 2010 sets out the requirements for musicians who are being recorded and/or filmed.⁴¹⁸
- 5.18** The committee heard that a fundamental impediment to implementing a minimum hourly rate is that in many instances, outside of large festivals, artists do not sign a contract of employment.⁴¹⁹
- 5.19** There is also a lack of clarity around who should be entitled to the proposed minimum hourly rate. Ms Ilona Harker, an artist from Byron Bay, suggested that performers should have to play for a committee who would determine whether a person qualifies for the rate.⁴²⁰
- 5.20** The MEAA suggested that the music industry establish a code of conduct to help address artists' concerns. The MEAA explained the parameters of the proposed coded of conduct:
- MEAA is working with musicians to establish a professional code of practice to define a floor of conditions and expectations to be adopted in the industry. Government should recognise this code as a fundamental measure to help grow and sustain the industry and restore confidence.⁴²¹
- 5.21** The MEAA set out the types of items and topics that could be captured by the code – this is replicated at Appendix 5.
- 5.22** In response to these suggestions, in September 2018, the NSW Government advised that as part of its preparations to deliver a strategic plan for contemporary music it is considering options to ensure that musicians receive adequate pay. Ms Alex O'Mara, Deputy Secretary of Create NSW, stated:
- It [payments to artists] is certainly an issue that is going to be addressed in the NSW Contemporary Music Strategy. Whether that gets framed as a code of conduct or minimum payment levels that are appropriate when funding is provided remains to be seen, but just so that you are aware that has been raised by a number of individuals and is squarely in our sights and strategy.⁴²²
- 5.23** Create NSW also assured the committee that it will also consider making it a condition of funding that festivals appropriately remunerate musicians.⁴²³

⁴¹⁸ Broadcasting, Recorded Entertainment and Cinemas Award 2010, http://awardviewer.fwo.gov.au/award/show/MA000091#P1747_185735.

⁴¹⁹ Evidence, Ms Simone, 4 July 2018, p 48; Evidence, Ms Harker 4 July 2018, p 48.

⁴²⁰ Evidence, Ms Harker, 4 July 2018, p 52.

⁴²¹ Tabled document, MEAA, Media Entertainment and Arts Alliance, supplementary recommendations, p 1.

⁴²² Evidence, Ms Alex O'Mara, Deputy Secretary, Create NSW, 27 September 2018, p 8.

⁴²³ Evidence, Ms Elizabeth Scott, Executive Director, Investment and Engagement, Create NSW, 27 September 2018, p 8.

Support Act

5.24 In response to the troubling circumstances of musicians, the music industry established Support Act, Australia's only charity delivering crisis relief services to music artists and music workers. The committee received evidence that spoke to the invaluable work of Support Act.⁴²⁴

5.25 Mr Clive Miller, Chief Executive of Support Act, provided examples of the type of assistance the charity provides:

We help artists and music workers facing hardship due to financial stress, illness, mental health problems, injury or some other crisis ... The kind of support that we provide can include assisting with paying the rent or the mortgage, buying a bed or a wheelchair, paying for car repairs, medical and dental bills, utilities such as phone and electricity, and of course, the ubiquitous credit card. We also provide referrals to other support services, as well as bringing comfort and dignity to people in the final stages of life.⁴²⁵

5.26 Support Act also provides the Wellbeing Helpline, a free, confidential 24/7 phone counselling service that is available to anyone working in Australian music who needs to talk to someone about any aspect of their well-being.⁴²⁶

5.27 Mr Miller told the committee that Support Act does not receive any government funding, rather the charity 'mobilises support' from within the music industry such as the APRA AMCOS, ARIA, and the Phonographic Performance Company of Australia, and run fundraising events.⁴²⁷

5.28 Ms Lindy Morrison, Social Worker at Support Act, observed that that the wider community do not understand, nor appreciate, the challenges faced by musicians:

Often people use that in a derisory way with regard to musicians. They say, "They love their job so it doesn't really matter." It takes an incredible amount of work to build the skills necessary to produce albums, to be on a live stage, not to make mistakes, to have the right gear, to get a group of people together and to keep them together, and to make records. All of that is unbelievably expensive ... The fact that you love being creative does not mean you should not be entitled to have a good lifestyle.⁴²⁸

Parking

5.29 The committee heard that musicians find it difficult to park their vehicles near venues, which makes it hard to load in and out of gigs and can result in fines for illegal parking. For example, Ms Manfredi discussed the challenges of loading in and out of venues on Sydney's Oxford Street:

On Oxford Street, loading in and out of venues, not being able to load out the back of venues. The proper loading docks would have to be closed early because of noise complaints. A common thread on Oxford Street was that all of the loading docks out

⁴²⁴ Evidence, Mr Donovan, 7 August 2018, p 16.

⁴²⁵ Evidence, Mr Miller, 24 August 2018, p 61.

⁴²⁶ Evidence, Mr Miller, 24 August 2018, p 61.

⁴²⁷ Evidence, Mr Miller, 24 August 2018, p 61 and p 62.

⁴²⁸ Evidence, Ms Lindy Morrison, Social Worker, Support Act, 24 August 2018, pp 62-63.

the back in the alleyways, you could not use them because people in the apartments had complained about the noise coming from the venues when you would load out, usually at 1.30. So we would have to double-park on Oxford Street in order to be able to load our gear out the front, and the police were just, for want of a better word, merciless.

They would berate you. They would call you all sorts of horrible names and we were like: We are not drunk. We have just finished our set. We might have got \$50 for that set, and we are just trying to load our gear out and then we will be gone. We are just trying to do our job, I guess. We got hit with all sorts of fines; \$180 for double parking ...⁴²⁹

- 5.30** Similarly, Ms Simone noted that in Byron Bay the little pay that musicians receive is often lost in parking tickets: "The parking tickets that musicians are receiving whilst they are playing because they are unable to move their cars often outweighs what they are actually getting paid to play".⁴³⁰
- 5.31** As noted in Chapter 2, *The Mastering of a Music City* report emphasised the importance of adopting music and musician-friendly policies, including parking regulations to support the development of a thriving live music scene.⁴³¹
- 5.32** The committee heard that Victoria has developed a solution for this problem. Mr Patrick Donovan, Chief Executive of Music Victoria, said that three councils in Victoria can issue permits to musicians to park in loading bays to load in and out of gigs.⁴³²

Committee comment

- 5.33** The committee acknowledges the hard work and dedication of artists and performers in New South Wales. The resilience of and camaraderie within this community is to be commended. It is a true test of the solidarity within the music industry that so many established artists gave evidence during this inquiry to support individuals who are beginning their careers.
- 5.34** The committee also acknowledges the conditions many artists, particularly musicians, are expected to perform under. It is inexcusable that performers are not paid, or are not paid inappropriately, for their work. We acknowledge concerns that the financial security of the industry is a contributing factor to the poor mental health of a large number of artists.
- 5.35** The NSW Government must recognise the vital importance of creative pursuits and actively encourage artists to pursue their passion and ensure the cultural fabric that binds communities together is maintained. In part, this can be achieved by ensuring performers are properly remunerated and supported by an industry code of conduct.
- 5.36** The committee acknowledges that the Live Performance Award sets out the hourly minimum wage. However, this does not appear to be a well-known industry standard. Moreover, we note that many performers are at a disadvantage when negotiating gigs with venue operators. This is

⁴²⁹ Evidence, Ms Manfredi, 28 May 2018, p 24.

⁴³⁰ Evidence, Ms Simone, 31 July 2018, p 47.

⁴³¹ Submission 254, ARIA, p 4.

⁴³² Evidence, Mr Donovan, 7 August 2018, p 11.

further compounded by concerns that many artists do not have the business skills to operate effectively as a sole trader.

- 5.37** We note that Create NSW said that it is undertaking work in this area as part of its preparations for the contemporary music plan. As a part of a contemporary music plan the committee supports an industry code of conduct in principle. The committee recommends that Create NSW support and adopt an industry code of conduct that is developed and endorsed by the Media Entertainment Alliance and the music industry, and that includes an outline of the minimum hourly rate requirements. The committee further recommends that the NSW Government ensure that when NSW Government funding is being applied to the sector, that in principle a minimum payment threshold set out in the Industry code of conduct be applied.
- 5.38** In addition, the committee recommends that Create NSW fund MusicNSW to, in collaboration with the music industry, conduct a public awareness campaign to inform musicians and venue operators of their rights and responsibilities in relation to pay and performance conditions.

Recommendation 27

That Create NSW support and adopt an industry code of conduct that is developed and endorsed by the Media Entertainment Alliance and the music industry, and that includes an outline of the minimum hourly rate requirements.

Recommendation 28

That when NSW Government funding is being applied to the sector, that in principle a minimum payment threshold set out in the Industry code of conduct be applied.

Recommendation 29

That Create NSW fund MusicNSW to, in collaboration with the music industry, conduct a public awareness campaign to inform musicians and venue operators of their rights and responsibilities in relation to pay and performance conditions.

- 5.39** The committee acknowledges the tireless work of Support Act and its essential role in delivering financial and other supports to musicians and music industry workers, particularly in regards to their mental health. It is a credit to the industry that it sustains Support Act and is another example of musicians looking out for each other. We believe there is a role for government in providing financial support to Support Act to continue its work. The committee recommends that the NSW Government provide appropriate on-going funding to Support Act.

Recommendation 30

That the NSW Government provide appropriate on-going funding to Support Act to facilitate their work in supporting musicians and music industry workers, particularly in regards to their mental health.

- 5.40** The committee recognises the importance of adopting a wide range of musician friendly policies, and considers a musician-only parking permit to be a reasonable mechanism to support live music in New South Wales. We anticipate that this permit would allow musicians to park in loading zones near venues for a set period of time and will make loading in and out of gigs easier. The committee recommends 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.
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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.

Music and young people

- 5.41** Stakeholders emphasised the importance of nurturing an appreciation of music in young people, both to foster the development of musicians and music industry professionals, and as a means of audience development. Key issues affecting music and young people discussed during the inquiry included: music education in schools; regional conservatoriums; support for tertiary education; and the need for youth venues and all age events.

Music education in schools

- 5.42** Stakeholders supported additional music education in New South Wales as a means of fostering a diverse and vibrant music and arts culture. The City of Shoalhaven Eisteddfod observed that children should have the 'opportunity to experience and benefit from Music and Arts programs implemented by trained and enthusiastic music, drama and art teachers in our schools'.⁴³³ Likewise, Yo-Yo Enterprises enthused: 'We need more music in our schools'.⁴³⁴
- 5.43** Similarly, Mr John Krsulja from The DAG Sheep Station, an event and performance venue in Tamworth, said that 'we need help building an audience' by encouraging a focus on music and arts education in schools.⁴³⁵
- 5.44** Despite the need for quality music education, Shoalhaven City Council noted that schools across the state lack a 'strong and consistent' approach to music and arts:

⁴³³ Submission 14, City of Shoalhaven Eisteddfod, p 1.

⁴³⁴ Submission 55, Yo-Yo Enterprises, p 1.

⁴³⁵ Evidence, Mr John Krsulja, The DAG Sheep Station, 23 August 2018, p 5.

... like many regional areas a strong and consistent approach to music and arts across the school sector is lacking. Funding for trained teachers, excursions to external agencies for engagement in best practice and opportunities to pursue student interests without significant personal funds are lacking.⁴³⁶

5.45 Shoalhaven City Council suggested that the NSW Government consider opportunities to increase and sustain music and arts specialist educators in all schools and support a diverse grant program that encourages best practise and community engagement.⁴³⁷ Similarly, the City of Shoalhaven Eisteddfod proposed that the NSW Government consider:

- improving teacher training in music education
- appointing trained itinerant music specialist teachers to work within a cluster of schools
- implementing a grant, like the NSW Active Kids Rebate Program, to encourage private music tuition
- subsidising community bands, music and drama groups
- subsidising school students' attendance at touring musicians, ensembles and drama productions
- providing grants to eisteddfodau, and music and dramatic societies.⁴³⁸

5.46 The committee heard that Sweden has an outstanding music curriculum in its schools. Create NSW explained how the curriculum operates:

... the Swedish national compulsory school curriculum in music emphasises music making, vocal as well as instrument-based, as the core activity of the subject. The main working principle should be working in groups, together with peers. As well as learning music, its role in the emotional, physical, social, and cognitive growth of all students is specifically pointed out, and music is also seen as a subject that develops transferable skills which in turn supports learning processes in other school subjects.⁴³⁹

5.47 Separately, the Association of Australian Musicians proposed that a proportion of gaming machine revenue be directed to music education, for such programs as dedicated funding for Composer In Residence and Musician In Residence positions in high schools.⁴⁴⁰

5.48 The committee received evidence that from 1 January 2019, parents will be able to access a \$100 Creative Kids Rebate each year for each school-aged child. The Creative Kids Rebate can be put towards the cost of registration, participation or tuition fees for creative and cultural activities such as music lessons and visual and performing arts.⁴⁴¹

⁴³⁶ Submission 203, Shoalhaven City Council, p 1.

⁴³⁷ Submission 203, Shoalhaven City Council, p 1.

⁴³⁸ Submission 14, City of Shoalhaven Eisteddfod, pp 1-2.

⁴³⁹ Answers to questions on notice, Create NSW, received 17 October 2018, p 7.

⁴⁴⁰ Submission 230, Association of Australian Musicians, p 3.

⁴⁴¹ NSW Government, *\$100 rebate for creative kids*, <https://www.nsw.gov.au/news-and-events/news/100-rebate-for-creative-kids/>.

Regional conservatoriums

5.49 Regional conservatoriums are a key component of music education in New South Wales. Approximately 25,000 students are engaged in music education at regional conservatoriums.⁴⁴² The Association of Regional Conservatoriums outlined the delivery of music services by conservatoriums:

Regional conservatoriums provide music education, ranging from instrumental and vocal. Lessons are delivered by regional conservatoriums in government and non-government schools throughout the state and at conservatorium premises, while several regional conservatoriums have significant delivery via video conferencing.⁴⁴³

Currently regional conservatoriums receive funding from the New South Wales Government through the NSW Department of Education. Funding is received for the operation of regional conservatoriums only, and regional conservatoriums must source funding for infrastructure and capital works from additional sources.⁴⁴⁴

5.50 The Association of Regional Conservatoriums explained that many regional conservatoriums are housed in unsuitable venues and often spend a significant proportion of funding on rental costs.⁴⁴⁵

5.51 An additional concern for regional conservatoriums is the difficulty attracting suitably qualified teachers. The Upper Hunter Conservatorium of Music discussed this issue:

An issue of great significance is the difficulty of attracting qualified music teachers to a regional area, where they experience limited opportunities for local performing or professional development. This results in current teaching staff being overworked, and necessitates teaching in unfamiliar genres, or in the inability to meet the needs of students.⁴⁴⁶

5.52 Moreover, the Upper Hunter Conservatorium of Music remarked: 'Although we are partially funded by the Department of Education, our teachers do not work under an award, and are not eligible for the same salaries or conditions as their counterparts employed directly by the Department'.⁴⁴⁷

5.53 Inquiry participants suggested various proposals to better support regional conservatoriums including:

- allocating additional funds for capital development and infrastructure⁴⁴⁸

⁴⁴² Submission 133, Upper Hunter Conservatorium of Music, p 1.

⁴⁴³ Submission 238, Association of Regional Conservatoriums, p 1.

⁴⁴⁴ Submission 238, Association of Regional Conservatoriums, p 1.

⁴⁴⁵ Submission 238, Association of Regional Conservatoriums, p 1.

⁴⁴⁶ Submission 133, Upper Hunter Conservatorium of Music, p 1.

⁴⁴⁷ Submission 133, Upper Hunter Conservatorium of Music, p 2.

⁴⁴⁸ Submission 238, Association of Regional Conservatoriums, p 1; Submission 229, Northern Rivers Conservatorium, p 1.

- increasing the core funding for the delivery of quality music education and performance to attract and retain suitably qualified, experienced teaching and administrative staff⁴⁴⁹
- providing permanent long-term funding to encourage strategic planning rather than the current triennial funding program.⁴⁵⁰

Support for tertiary education

- 5.54** The committee visited SAE Creative Media Institute in Byron Bay and received evidence about its role providing audio, film, games, animation, design, web and mobile courses to tertiary students. Mr Lee Aitken, General Manager of SAE Institute, explained that SAE supports students to develop transferable skills, such as problem solving, creative problem solving and project management, to ensure students can work across the creative economy.⁴⁵¹ Mr Aitken also noted that SAE works closely with the creative community and major event organisers, such as Bluesfest and Splendour in the Grass, to provide students with practical work experience.⁴⁵²
- 5.55** SAE was keen to foster employment opportunities for students once they have completed their course. For example, Mr Aitken explained that he would like to see the private sector collaborate with students:

I personally like the concept of industry being involved to say, "Here is a problem that we have. You work on that and bring opportunity for solutions using your creative means and skill set." And then they are essentially funding the operationalising of that solution. That for us is a really practical application of what we call project-based learning in our curriculum. That would be really useful because it maintains the connection with industry and also then is useful for industry in solving a problem that they have and the students being able to apply. That can then lead on to further funding opportunity or employment opportunity for that student.⁴⁵³

- 5.56** Mr Aitken also suggested that the government could assist students by providing funding opportunities such as grants.⁴⁵⁴

Committee comment

- 5.57** The committee acknowledges the importance of ensuring young people are engaged in music, be it through school or extracurricular activities. Young people are the musicians and audiences of the future and it is critical to foster a deep appreciation of music and cultural activities. We note the prominence given to music education in Sweden and encourage the NSW Government to take a similar approach.

⁴⁴⁹ Submission 229, Northern Rivers Conservatorium, p 1.

⁴⁵⁰ Submission 229, Northern Rivers Conservatorium, p 2.

⁴⁵¹ Evidence, Mr Lee Aitken, General Manager, SAE Institute, 31 July 2018, p 16.

⁴⁵² Evidence, Mr Aitken, 31 July 2018, p 16.

⁴⁵³ Evidence, Mr Aitken, 31 July 2018, pp 17-18.

⁴⁵⁴ Evidence, Mr Aitken, 31 July 2018, p 17.

- 5.58** To this end, the committee recommends that the NSW Department of Education and Training investigate opportunities to give prominence to music education in curriculums, and improve training for music teachers. Additionally, we recommend that Create NSW investigate opportunities to better support young people to engage in cultural activities, particularly music.
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Recommendation 32

That the NSW Department of Education and Training investigate opportunities to give prominence to music education in curriculums, and improve training for music teachers.

Recommendation 33

That Create NSW investigate opportunities to better support young people to engage in cultural activities, particularly music.

- 5.59** The committee notes concerns about regional conservatoriums, particularly around access to suitable buildings and the remuneration of teachers. The committee has made recommendations throughout this report regarding the need to revitalise current building stock to ensure it is fit for creative uses. We anticipate that these recommendations will assist regional conservatoriums, however, to ensure these organisations are receive the appropriate support, we recommend that the Cultural Infrastructure Program Management Office provide funding to ensure that these facilities are fit for purpose.
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Recommendation 34

That the Cultural Infrastructure Program Management Office provide funding to ensure that regional conservatoriums are fit for purpose.

- 5.60** The committee acknowledges the excellent work being conducted at SAE Creative Media Institute. We appreciate that SAE is considering opportunities to guide students' career paths once their studies are complete, and in line with Mr Aitken's proposal, we encourage the government to promote collaboration between the private sector and tertiary education providers.

Chapter 6 Development consent and managing land use conflict

This chapter examines the planning framework for venues hosting live music and other cultural activities. Firstly, it provides an overview of the development consent process. It then outlines some of the concerns raised by stakeholders about this process, including the challenges of receiving temporary approvals, costs for applicants and the inflexibility of the standard instrument to meet the needs of the creative sector. The chapter also considers opportunities to minimise land conflict to better support the music and arts and night-time economies, including proposals to adopt either an agent of change or planned precincts approach to entertainment. Lastly, it discusses the development of cultural hubs, including the proposed Sydenham Creative Hub.

Applying for development consent

- 6.1** This section outlines the processes and considerations an operator may encounter when submitting a development application for a creative space.
- 6.2** If a venue operator plans to 'build, demolish or change the use of a property' a Development Application (DA) is often submitted to the relevant consent authority – in most cases this is the local council, however for certain largescale developments it may be the NSW Department of Planning and Environment.⁴⁵⁵
- 6.3** If only minor alterations are taking place such activity may be considered 'exempt' or 'complying' development. Exempt development refers to very low impact development that can be done for certain residential, commercial and industrial properties.⁴⁵⁶ Complying development is a combined planning and construction approval for straightforward development that can be determined through a fast track assessment by a council or an accredited certifier.⁴⁵⁷
- 6.4** Live entertainment may be permitted in venues without additional approval, if it is 'ancillary' to the approved use of the land.⁴⁵⁸ The NSW Department of Planning and Environment defines ancillary use as: '... a use that is subordinate or subservient to the dominant purpose ...'.⁴⁵⁹

⁴⁵⁵ Service NSW, *Apply for development consent*, <https://www.service.nsw.gov.au/transaction/apply-development-consent>.

⁴⁵⁶ Service NSW, *Apply for development consent*, <https://www.service.nsw.gov.au/transaction/apply-development-consent>. See, Part 3.1, Standard Instrument—Principal Local Environmental Plan.

⁴⁵⁷ Department of Planning and Environment, *Complying development*, <http://www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Planning-Approval-Pathways/Complying-development>. See Part 3.2, Standard Instrument—Principal Local Environmental Plan.

⁴⁵⁸ Answers to supplementary questions on notice, Create NSW, 2 May 2018, p 9.

⁴⁵⁹ NSW Department of Planning and Infrastructure, *How to characterise development*, Planning Circular, 2013, p 2.

- 6.5 A DA will usually include information about the proposed development, including: a Statement of Environmental Effects; building and site plan; drawings; and expert reports relevant to the DA (for example, heritage impact, acoustic, waste management, traffic).⁴⁶⁰
- 6.6 When considering a DA or complying development certificate (CDC), the consent authority is guided by the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, any relevant State Environmental Planning Policies (SEPPs) and Local Environmental Plans (LEPs).⁴⁶¹ LEPs guide planning decisions, through zoning and development controls, and provide a framework for the way land can be used in a local government area. The Standard Instrument – Principal Local Environmental Plan program was established in 2006 to provide common content and format for LEPs.⁴⁶²
- 6.7 In addition, the *Environmental Planning and Assessment Act 1979* gives reference and effect to the Building Code of Australia. This code sets the minimum requirements for a building in relation to structure, fire safety, access and egress, health and amenity and energy efficiency. All new buildings and new building work must comply with the code.⁴⁶³ Of significance to this inquiry, the code defines most small creative venues as Class 9B assembly buildings.⁴⁶⁴ Additionally, the NSW Government has implemented an amendment to the code that allows pubs and bars to host live performance under a retail, or Class 6, building consent.⁴⁶⁵
- 6.8 Consent conditions imposed by local councils may relate to the safety, security and amenity of surrounding residential properties including hours of operation, security staff and their responsibilities, training of staff in responsible service of alcohol procedures, and control of amplified music and live band performances.
- 6.9 The following sections examine key issues discussed during the inquiry.

Issues raised by stakeholders about the development consent process

- 6.10 The committee heard that the development consent process presents significant challenges for venues. Indeed, Mr David Birds, Group Manager of Strategic Planning at Inner West Council stated: 'It is a challenge working with a planning system that is incredibly complex ... There is

⁴⁶⁰ Service NSW, *Apply for development consent*, <https://www.service.nsw.gov.au/transaction/apply-development-consent>.

⁴⁶¹ NSW Department of Planning and Environment, *Planning and Approval Pathways*, <http://www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Planning-Approval-Pathways>.

⁴⁶² NSW Department of Planning and Environment, *What is a Local Environment Plan?*, <https://www.planning.nsw.gov.au/plans-for-your-area/local-planning-and-zoning>.

⁴⁶³ NSW Department of Planning and Environment, *National Construction Code*, <https://www.planning.nsw.gov.au/policy-and-legislation/buildings/national-construction-code>.

⁴⁶⁴ City of Sydney, *New Ideas for Old Buildings*, 2016, p 12, https://www.cityofsydney.nsw.gov.au/__data/assets/pdf_file/0006/281454/Creative_Spaces_and_the_Built_Environment_Discussion_Paper.pdf.

⁴⁶⁵ City of Sydney, *New Ideas for Old Buildings*, 2016, p 13, https://www.cityofsydney.nsw.gov.au/__data/assets/pdf_file/0006/281454/Creative_Spaces_and_the_Built_Environment_Discussion_Paper.pdf.

a lot of red tape ... It often sends people away before they pursue business ideas'.⁴⁶⁶ Key complexities discussed in the following sections include: the challenges of receiving temporary approvals, costs for applicants and the inflexibility of the standard instrument to meet the needs of the creative sector.

- 6.11** The complexities of the planning framework are well-known. For example, in 2014, the City of Sydney released the *Live Music and Performance Action Plan*. The paper identified concerns and proposed actions to reinvigorate the live music scene in Sydney. Many of the issues raised in the action plan were also examined during this inquiry, including issues with development controls and noise regulations, and the Building Code of Australia.⁴⁶⁷
- 6.12** In addition, in October 2017, the City of Sydney released *An Open and Creative City: planning for culture and the night time economy, Discussion Paper*. The paper identified concerns and proposed possible solutions to barriers to land use for cultural practice. Again, similar issues were also examined during this inquiry. For example, the city explained that the key barrier for temporary use, such as pop-ups and festivals, is that the Standard Instrument requires an application be given a full assessment under s 79C of the *Environmental Planning and Assessment Act 1979*:
- The NSW Standard Instrument Local Environmental Plan's clause 2.8, Temporary Use of Land, allows for a use to be approved for a maximum number of days per year despite it being prohibited in the land use zone ...
- However, an application under this provision still requires full assessment under s79C of the *Environmental Planning and Assessment Act 1979*.⁴⁶⁸
- 6.13** The city explained an assessment is often expensive and prohibitive to creative enterprises as it usually requires consideration of how the proposed activity aligns with relevant planning instruments, and whether building upgrades are needed to meet the National Construction Code, as per clauses 93 and 94 of the Environmental Planning and Assessment Regulation 2000.⁴⁶⁹
- 6.14** This concern was raised by other inquiry participants who argued that the expense incurred during the assessment process and the inflexibility of the building definitions within the National Construction Code hinder the development of temporary creative venues.⁴⁷⁰
- 6.15** Other concerns about festivals are examined in Chapter 9.
- 6.16** The committee heard that there were significant challenges in securing permanent planning approvals. The City of Sydney explained that the inherent complexities of the planning system

⁴⁶⁶ Evidence, Mr David Birds, Group Manager of Strategic Planning, Inner West Council, 28 May 2018, p 7.

⁴⁶⁷ Submission 246, City of Sydney, attachment 5, *City of Sydney Live Music and Performance Action Plan, 2014*.

⁴⁶⁸ Submission 246, City of Sydney, p 8.

⁴⁶⁹ Submission 246, City of Sydney, p 8.

⁴⁷⁰ Submission 283, Live Music Office, p 25; Submission 237, Local Government NSW, p 7; See, Evidence, Mr John Wardle, Director, Live Music Office, 26 March 2018, p 52; Evidence, Mr Ben Pechey, Manager, Planning Policy, Strategic Planning and Urban Design Unit, City of Sydney, 26 March 2018, pp 19-20; Submission 211, Penrith City Council, p 3.

result in substantial costs for applicants and make it challenging for local consent authorities to approve creative enterprises:

...the complexity inherent to the system produces high costs for applicants associated with building, planning and environmental health consultancies. The lack of clear criteria with which to assess applications from small to medium cultural enterprise creates delays in assessment as local consent authorities must analyse and identify suitable responses to unconventional and innovative business models with limited guidance.⁴⁷¹

6.17 Indeed, the committee received evidence about numerous issues arising from the development consent process. In the first instance, stakeholders noted that there is significant confusion about what needs to be done to obtain a planning consent and building approval.⁴⁷²

6.18 The committee heard that building regulation, that is, compliance with the Building Code of Australia, further complicates matters for creatives. Mr Ben Pechey Manager, Planning Policy, Strategic Planning and Urban Design Unit at the City of Sydney, explained that creatives are reliant on current building stock and therefore building regulation is often a significant obstacle to securing permanent space:

The problem we find there is that artists and creative producers want to use existing buildings. If that use is focused on providing some sort of performance or entertainment, it might be classified as a 9B building, which is a public assembly building. That may involve considerable cost in bringing that up to code. It is possible, but the difficulty is finding a cost-effective solution under the current framework.⁴⁷³

6.19 The City of Sydney noted that by classifying most performance spaces as 9B assembly buildings, small galleries or pop-up theatres are considered against the same requirements as large buildings such as airports.⁴⁷⁴ Moreover, the committee heard that there is insufficient information to adequately assess the adaptive re-use of existing buildings.⁴⁷⁵

6.20 The City of Sydney explained that matters are further complicated by the fact that many creatives are adopting mixed business models, such as hosting workshops or monthly exhibits in an artist's studio, which can be 'extremely difficult to reconcile with existing building and planning frameworks'.⁴⁷⁶

⁴⁷¹ Submission 246, City of Sydney, p 8. Also see, Evidence, Ms Samantha Hardie, Chair, Night Time Economy Working Group, Lake Macquarie City Council, 23 August 2018, p 10.

⁴⁷² Submission 246, City of Sydney, p 9; Evidence, Mr Jeb Taylor, Owner, Famer and the Owl, 4 July 2018, p 19; Evidence, Mr John Wardle, Live Music Consultant, APRA AMCOS and the Live Music Office, 14 September 2018, p 3.

⁴⁷³ Evidence, Mr Ben Pechey Manager, Planning Policy, Strategic Planning and Urban Design Unit, City of Sydney, 26 March 2018, p 19.

⁴⁷⁴ City of Sydney, New Ideas for Old Buildings, 2016, p 13, https://www.cityofsydney.nsw.gov.au/__data/assets/pdf_file/0006/281454/Creative_Spaces_and_the_Built_Environment_Discussion_Paper.pdf, Also see, Evidence, Mr John Wardle, Live Music Office, 26 March 2018, p 52.

⁴⁷⁵ Submission 246, City of Sydney, p 13.

⁴⁷⁶ Submission 246, City of Sydney, p 8.

- 6.21** Byron Shire Council concurred, saying that the planning framework cannot adequately cater to creative businesses:
- ... we continually hit a hurdle with State Government and planning controls, planning definitions and planning processes. I think Byron prizes itself in trying to challenge convention and trying to be a bit innovative, but it is very hard to be innovative when you are given a standard local environmental plan template and told that you need to fit within those boundaries and rules. Creative industries do not work like that.⁴⁷⁷
- 6.22** Likewise, Mr Greg Khoury of Century Venues, explained: 'The whole concept of hybrid artistry, and therefore hybrid venues, is an emerging thing that we need to come to terms with, particularly in that regulatory area where hybrid use is not understood'.⁴⁷⁸
- 6.23** A similar concern was raised by the City of Parramatta which noted that councils are constrained from approving multi-functional and multi-use developments, such as shopfronts and galleries that are licensed.⁴⁷⁹
- 6.24** The committee heard that the lack of clarity extended to the interpretation of 'ancillary development'. For example, the Live Music Office said that it unclear whether installing a piano in a retail venue or providing live music in a restaurant or bar are considered 'ancillary development'.⁴⁸⁰
- 6.25** Another complication identified by inquiry participants was the inflexibility of current land zoning conditions,⁴⁸¹ for example difficulty approving rehearsal spaces in industrial zones,⁴⁸² and activating space in commercial areas.⁴⁸³ Additionally, Ms Ann Martin, Artist Planner and Cultural Planner, noted the difficulties of accessing land that is suitable for creatives to live and work.⁴⁸⁴
- 6.26** The committee also heard about the challenges of accessing public spaces for performance purposes.⁴⁸⁵ Mr John Wardle, Live Music Consultant, APRA AMCOS and the Live Music

⁴⁷⁷ Evidence, Ms Shannon Burt, Director, Sustainable Environment and Economy, Byron Shire Council, 31 July 2018, p 33.

⁴⁷⁸ Evidence, Mr Greg Khoury, Century Venues, 26 March 2018, p 70.

⁴⁷⁹ Submission 241, City of Parramatta, p 4.

⁴⁸⁰ Submission 283, Live Music Office, p 25; Evidence, Mr John Wardle, Director, Live Music Office, 26 March 2018, p 56. Also see, Submission 261, Sydney Fringe Festival, p 8; Evidence, Mr Mark Grimson, Economic Development Manager, Wollongong City Council, 4 July 2018, p 4.

⁴⁸¹ Evidence, Ms Linda Scott, President, Local Government NSW, 26 March 2018, p 22; Evidence, Ms Ann Martin, Artist Planner and Cultural Planner, 4 July 2018, p 10; Submission 211, Penrith City Council, p 3, Evidence, Mr David Burgerger, Community Development Officer—Cultural Planning, Community and Cultural Services, Tweed Shire Council, 31 July 2018, p 3.

⁴⁸² Evidence, Mr David Burgerger, Community Development Officer—Cultural Planning, Community and Cultural Services, Tweed Shire Council, 31 July 2018, p 3.

⁴⁸³ Evidence, Mr Michael Rose, Chair, Committee for Sydney, 26 March 2018, p 50.

⁴⁸⁴ Evidence, Ms Ann Martin, Artist Planner and Cultural Planner, 4 July 2018, p 9.

⁴⁸⁵ Evidence, Mr John Wardle, Live Music Consultant, APRA AMCOS and the Live Music Office, 14 September 2018, p 2.

Office, explained that performers need to negotiate s 68 of the *Local Government Act 1993* to put on events in parks.⁴⁸⁶

6.27 As discussed later in this chapter, inquiry participants observed that there is a lack of clarity around first occupancy rights and noise.⁴⁸⁷

6.28 Additional concerns raised by stakeholders about these processes included:

- local councils banning live entertainment: for example, the development consent for the Harold Park Hotel in Sydney had a 'no live entertainment' consent condition imposed on its courtyard area⁴⁸⁸
- conditions of consent which might restrict entertainment or performance may be legacies of older NSW Government policies, such as the former Place of Public Entertainment licensing system or the now defunct *Theatres and Public Halls Act*, and applicants must request that local councils remove these conditions through the development approval process⁴⁸⁹
- venues can have conflicting consents for rooms within their venue: for example, the Imperial Hotel in Erskineville had about five or six different consents that related to different rooms in the one building⁴⁹⁰
- local councils sometimes take a 'one size fits all' approach to consent conditions, rather than considering individual applications: for example, the development consent for This Must Be The Place, a small bar in Sydney, is subject to the same security conditions as larger venues⁴⁹¹
- police may not always take a 'nuanced' approach when submitting proposed development consent conditions and sometimes:⁴⁹² for example, the committee received evidence that the NSW Police had proposed that the development consent for the Sydney Fringe Festival include 'no dancing and no DJ' provisions⁴⁹³ (the same concern was expressed in relation to police involvement with liquor licensing applications and is examined in Chapter 7)
- development consent conditions are passed from one venue operator to the next without consideration of the business models being adopted⁴⁹⁴

⁴⁸⁶ Evidence, Mr John Wardle, Live Music Consultant, APRA AMCOS and the Live Music Office, 14 September 2018, p 2.

⁴⁸⁷ Evidence, Mr Ian Rhodes, Community Planning Coordinator, Newcastle City Council, 23 August 2018, p 3.

⁴⁸⁸ Evidence, Mr John Green, Director of Liquor and Policing at the Australian Hotels Association NSW, 24 August 2018, p 36.

⁴⁸⁹ Answers to questions on notice, City of Sydney, 2 October 2018, p 1.

⁴⁹⁰ Evidence, Ms Linda Scott, President, Local Government NSW, 26 March 2018, p 23.

⁴⁹¹ Evidence, Mr Luke Ashton, Treasurer, NSW Independent Bars Association, 24 August 2018, p 47.

⁴⁹² Evidence, Mr Jeffrey Stein, Service Manager, City Events and Festivals, City of Parramatta, 14 September 2018, p 11.

⁴⁹³ Submission 261, Sydney Fringe Festival, p 13.

⁴⁹⁴ Evidence, Ms Justine Baker, Chief Executive Officer, Solotel Group, 26 March 2018, p 44.

- venues often 'give into conditions' at the start of the development consent process just to open, and then consider challenging the process once operations have started⁴⁹⁵
- there is a 'great deal of fear' to have development consent conditions reviewed as all licensing conditions are subject to review and 'there is a long litany of examples of music venues, hotels and other cultural venues that have tried to get their conditions amended and ended up encountering even larger problems'⁴⁹⁶
- the development application process is 'one of the biggest risks to current business' and is seen as an opportunity to impose restrictive conditions on venues⁴⁹⁷
- DA applications take a 'minimum of three months for a DA', and that bars are 'looking at up to nine months', to receive a liquor licence.⁴⁹⁸
- the duplication with liquor licensing conditions, particularly in relation to noise provisions and entertainment-related conditions, further complicate the planning system (examined in Chapter 7).

Proposals to simplify the development consent process

- 6.29** Inquiry participants canvassed numerous proposals to address the concerns identified in the development consent process.
- 6.30** Many proposals focused on opportunities for local councils to provide greater clarity to operators of temporary and permanent venues about the requirements for a development consent. For example, certain councils and arts organisations supported introducing exempt and complying development controls for low impact cultural use.⁴⁹⁹
- 6.31** In fact, the committee heard that the City of Sydney is considering allowing minimal impact small-scale cultural uses without development consent.⁵⁰⁰ The city proposes to classify 'minimal impact' activities as exempt development thus providing greater clarity when approvals are required, and developing criteria to ensure the small-scale cultural activities that are exempt meet community expectations of 'minimal environmental impact'.⁵⁰¹

⁴⁹⁵ Evidence Mr Karl Schlothauer, President, Independent Small Bars Association, 24 August 2018, p 49.

⁴⁹⁶ Evidence, Clr, Darcy Byrne, Mayor, Inner West Council, 28 May 2018, p 6.

⁴⁹⁷ Evidence, Ms Justine Baker, Chief Executive Officer, Solotel Group, 26 March 2018, p 40.

⁴⁹⁸ Evidence Mr Karl Schlothauer, President, Independent Small Bars Association, 24 August 2018, p 49.

⁴⁹⁹ Submission 283, Live Music Office, pp 6-8. Also see, Submission 261, Sydney Fringe Festival, p 8; Submission 211, Penrith City Council, p 4; Submission 230, Association of Australian Musicians, p 3; Submission 247, National Association of the Visual Arts, p 2-3; Submission 237, Local Government NSW, p 7.

⁵⁰⁰ Submission 246, City of Sydney, p 9. Also see, Evidence, Mr Ben Pechey, Manager, Planning Policy, Strategic Planning and Urban Design Unit, City of Sydney, 26 March 2018, p 19.

⁵⁰¹ Submission 246, City of Sydney, p 10. Also see, Evidence, Mr Ben Pechey, Manager, Planning Policy, Strategic Planning and Urban Design Unit, City of Sydney, 26 March 2018, p 19.

- 6.32** The committee also heard that it is necessary for councils to develop new planning controls specifically for cultural uses that may have some impacts and need development consent.⁵⁰² Again, the City of Sydney is pursuing this option.⁵⁰³
- 6.33** Another suggestion was that councils consider either an agent of change or planned precinct approach to entertainment planning.⁵⁰⁴ These approaches are examined later in this chapter.
- 6.34** Ms Hardie suggested that application assistance could assist new creative businesses to set up:
- A lot of them are just general people who have no experience with the planning system at all so it can be quite overwhelming to start, particularly when they are young people trying to get into the industry and that as well, it is not something they are familiar with. It can be quite daunting to get into that process and have to speak to planners who speak a bit of a different language sometimes than the general public.⁵⁰⁵
- 6.35** Other proposals included:
- developing a building manual to clarify adaptive reuse provisions⁵⁰⁶
 - removing additional development consent requirements for hotels providing reasonable live music performances during standard trading hours.⁵⁰⁷
 - allocating a duty planner at the local council level to provide technical support for the creative sector and give guidance in navigating building codes, planning controls and community engagement for the reuse of buildings for live music and creative use.⁵⁰⁸
- 6.36** However, as the City of Sydney observed '... far greater impacts could be achieved through reform at the State level by allowing local consent authorities greater flexibility in assessing temporary cultural activity'.⁵⁰⁹
- 6.37** Following on, stakeholders encouraged the NSW Government to pursue a suite of amendments to promote cultural use of land, including:
- introducing a New South Wales arts venue variation to the National Construction Code, like that implemented in South Australia, which supports the establishment of smaller dedicated performance spaces by assessing buildings to retail rather than theatre specifications for the purposes of building compliance⁵¹⁰

⁵⁰² Submission 246, City of Sydney, p 10. Also see, Submission 237, Local Government NSW, p 7.

⁵⁰³ Submission 246, City of Sydney, p 10.

⁵⁰⁴ See, Evidence, Mr Ben Pechey, Manager, Planning Policy, Strategic Planning and Urban Design Unit, City of Sydney, 26 March 2018, p 19; Evidence, Mr Ian Rhodes, Newcastle City Council, 23 August 2018, p 4.

⁵⁰⁵ Evidence, Ms Samantha Hardie, Chair, Night Time Economy Working Group, Lake Macquarie City Council, 23 August 2018, p 10.

⁵⁰⁶ Submission 246, City of Sydney, p 10.

⁵⁰⁷ Submission 232, Australian Hotels Association, p 4.

⁵⁰⁸ Submission 211, Penrith City Council, p 4.

⁵⁰⁹ Submission 246, City of Sydney, p 12.

⁵¹⁰ See, Submission 283, Live Music Office, pp 6-8. Also see, Answers to questions on notice, Ms Penelope Benton, National Association of the Visual Arts, received 26 June 2018, p 1.

- clarifying exempt and complying development for low impact entertainment⁵¹¹
- providing clear guidelines on ancillary entertainment activity in the absence of a definition of exempted development for low impact entertainment⁵¹²
- providing greater flexibility for councils to approve multi-use developments⁵¹³
- revising definitions in the standard instrument to ensure that art spaces, live performance and cultural activities are permissible in relevant zones⁵¹⁴
- considering the implementation of the 'agent of change' or 'entertainment precincts' across the state (discussed at paragraphs 6.67 – 6.69)
- recognising the cultural value of live music venues in planning instruments to ensure these venues are protected,⁵¹⁵ for example, the committee heard that in London music venues may be identified as 'Assets of Community Value'⁵¹⁶
- ensuring planning objectives for mixed use precincts incorporate appropriate building design responses⁵¹⁷
- providing resources and incentives for planning reform to support live music in regional New South Wales, such as support for local government planning units to acquire expertise of best practice in music and arts planning legislation.⁵¹⁸

NSW Government response to development consent processes and controls for venues hosting live entertainment

6.38 As discussed in Chapter 2, the NSW Department of Planning and Environment is responsible for leading the key actions associated with the Sydney Night-Time Economy Taskforce including:

- investigating reforms to planning regulations to encourage new night-time offerings from entrepreneurs, creatives and small businesses.
- working with stakeholders to facilitate the use of vacant commercial spaces and public places for temporary arts and cultural activation.

⁵¹¹ See, Submission 283, Live Music Office, pp 6-8.

⁵¹² See, Submission 283, Live Music Office, pp 6-8.

⁵¹³ Submission 273, Local Government NSW, p 7. Also see, Evidence, Ms Linda Scott, President, Local Government NSW, 26 March 2018, p 22. Also see, Submission 241, City of Parramatta, p 4.

⁵¹⁴ Submission 273, Local Government NSW, p 7. Also see, Evidence, Ms Linda Scott, President, Local Government NSW, 26 March 2018, p 22. Also see, Submission 241, City of Parramatta, p 4.

⁵¹⁵ See, Submission 273, Tweed Shire Council, p 3; Evidence, Ms Justine Baker, Chief Executive Officer, Solotel Group, 26 March 2018, p 44.

⁵¹⁶ Submission 381, MEAA, p 8. Also see, Submission 377, Live Nation Entertainment, p 3.

⁵¹⁷ Submission 241, City of Parramatta Council, p 3.

⁵¹⁸ Submission 273, Tweed Shire Council, p 2. Also see, Submission 203, Shoalhaven City Council, p 2.

- exploring options for an increased late-night retail and non-licensed premises trading program.⁵¹⁹

6.39 During the early stages of the inquiry evidence provided by government agencies indicated that little progress had been made in actioning these items. This was met with significant frustration by inquiry participants.

6.40 In response, the NSW Department of Planning and Environment told the committee that it is considering opportunities to reform building and planning regulations to facilitate arts and cultural activities, including:

- investigating what changes could be made to State Environmental Planning Policy (Exempt and Complying Development) 2008 to facilitate low impact arts and cultural venues
- investigating how the National Construction Code could support the night-time economy
- investigating whether complying development can be used as an approval pathway for low impact arts and cultural uses
- investigating noise management initiatives that support the sustainability of venue spaces for music and the arts
- promoting the benefits of living in an increasingly diverse and mixed-use urban environment.⁵²⁰

6.41 In September 2018, the department further advised that the government is 'looking at how to remove red tape and reduce complexity in the planning system' to better support music and arts economy and the night-time economy, however the department did not give any indication as to tangible progress made on the action items.⁵²¹

6.42 In October 2018, the department informed the committee that it anticipates releasing a Discussion Paper investigating building, planning and noise controls to make it easier for business to activate places and spaces with arts and culture at night in mid-2019.⁵²²

6.43 Ms Alison Frame, Deputy Secretary for Policy and Strategy at the NSW Department of Planning and Environment, indicated that a new strategic plan had been developed to assist councils to provide a new context for councils to plan for night time uses and communicate this clearly to their community, and any potential new residents and businesses.⁵²³

⁵¹⁹ Create NSW, Sydney Night-Time Economy, <https://www.create.nsw.gov.au/about-us/our-work/sydney-night-time-economy/>.

⁵²⁰ Answers to supplementary questions on notice, NSW Government, 2 May 2018, p 18; Submission 385, NSW Government, pp 4-5. Also see, Ms Alison Frame, Deputy Secretary for Policy and Strategy, Department of Planning and Environment, 14 September 2018, p 29.

⁵²¹ Evidence, Ms Alison Frame, Deputy Secretary for Policy and Strategy, Department of Planning and Environment, 14 September 2018, p 29.

⁵²² Answers to questions on notice, Create NSW, 17 October 2018, Attachment A, p 3.

⁵²³ Evidence, Ms Alison Frame, Deputy Secretary for Policy and Strategy, Department of Planning and Environment, 14 September 2018, p 29.

6.44 Ms Frame also indicated that the department will develop guidance to assist night-time economy entrepreneurs to establish or expand their businesses,⁵²⁴ and is reviewing best practice models to identify how the government can promote the night-time economy. For example, the government is considering variations to construction standards for small arts venues in South Australia and Victoria, and the introduction of alternate noise-management strategies in Brisbane, Sydney and Wollongong.⁵²⁵

6.45 When questioned about the desirability of entertainment-related development consent conditions, Ms Frame advised:

It is not appreciated and does not bode well for the planning system when it is the system that is considered to be imposing those kinds of [entertainment-based] requirements. It is not a standard condition or requirement to go to people's tastes in music if people would be attributing that to a planning system requirement. It is something that is normally beyond the scope of the planning system and its conditions.⁵²⁶

6.46 Following on, the NSW Department of Planning and Environment, agreed that there is no planning rationale, other than that directly connected to some safety or capacity issue, for not allowing venues to host live music.⁵²⁷ Additionally, the department agreed that the type of activity inside the venue is 'irrelevant' in terms of regulation.⁵²⁸ However, Ms Alison Burton, Acting Executive Director of Planning Policy at the NSW Department of Planning and Environment acknowledged that these types of conditions may be used as 'surrogates' for controlling noise.⁵²⁹

Committee comment

6.47 The committee acknowledges the complexity of the planning framework for licensed venues seeking to host live music and other cultural activities. The current system stifles innovation – both in discouraging venues from opening and overwhelming venues that are already operating. There are significant disincentives for hosting live music, from bewildering 'no live entertainment' development consent conditions to the lack of clarity surrounding land use conflict concerns.

⁵²⁴ Evidence, Ms Alison Frame, Deputy Secretary for Policy and Strategy, Department of Planning and Environment, 14 September 2018, p 29. Also see, Evidence, Mr John Wardle, Live Music Consultant, APRA AMCOS and the Live Music Office, 14 September 2018, p 3.

⁵²⁵ Evidence, Ms Alison Frame, Deputy Secretary for Policy and Strategy, Department of Planning and Environment, 14 September 2018, p 29. Also see, Answers to questions on notice, Create NSW, 2 May 2018, p 5.

⁵²⁶ Evidence, Ms Alison Frame, Deputy Secretary for Policy and Strategy, Department of Planning and Environment, 14 September 2018, p 31.

⁵²⁷ Evidence, Ms Alison Frame, Deputy Secretary for Policy and Strategy, Department of Planning and Environment, 14 September 2018, p 31; Evidence, Ms Burton, Acting Executive Director, Planning Policy, Department of Planning and Environment, 14 September 2018, p 31.

⁵²⁸ Evidence, Ms Alison Frame, Deputy Secretary for Policy and Strategy, Department of Planning and Environment, 14 September 2018, p 31; Evidence, Ms Burton, Acting Executive Director, Planning Policy, Department of Planning and Environment, 14 September 2018, p 31.

⁵²⁹ Evidence, Ms Alison Burton, Acting Executive Director, Planning Policy, Department of Planning and Environment, 14 September 2018, p 31.

- 6.48** The committee believes that the government must collaborate with local councils to better support New South Wales to foster a vibrant and diverse music and arts economy. A key consideration in this sphere is determining how best to unlock land and infrastructure to best support creative pursuits.
- 6.49** The committee notes that the key impediments to this system, including the challenges of the definitions with the National Building Code, the inflexibility of the standard instrument to provide for temporary cultural uses, and the lack of clarity around ancillary development, are well-known to the government. Indeed, the Sydney Night-Time Economy Action Plan required the government to consider how to activate spaces for cultural use and these actions are now almost a year overdue. It is therefore incredibly frustrating for the committee to receive evidence that none of these matters have been sufficiently resolved.
- 6.50** The committee acknowledges the extensive work undertaken by the City of Sydney to complete its responsibilities as part of the Sydney Night-Time Economy Taskforce. We note that the City has consulted with stakeholders regarding proposed amendments to its development controls to allow exempt and complying development for low impact cultural used and is considering new planning controls for cultural uses that may have some impacts and need development consent. Subject to the adoption of these changes within Sydney Local Environmental Plan and Development Control Plan, it is anticipated that updated standard conditions will be developed and applied to development consents.
- 6.51** It is now time for the government to take decisive action across a range of areas to assist local councils to better facilitate cultural activities. To this end, the committee recommends 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.

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.

- 6.52** In addition, we note that the planning powers of local governments are constrained by the rigidity of the the Standard Instrument – Principal Local Environmental Plan. The standard instrument does not provide adequate flexibility to meet the needs of creative enterprises. The committee recommends that the NSW Government revise definitions in the the Standard Instrument – Principal Local Environmental Plan to provide the greatest level of flexibility to facilitate cultural activities across all relevant zones.

Recommendation 36

That the NSW Government revise definitions in the Standard Instrument – Principal Local Environmental Plan to provide the greatest level of flexibility to allow cultural activities across all relevant zones.

- 6.53** The committee recognises that industry stakeholders do not have a clear understanding as to what constitutes exempt and complying development or ancillary development for cultural activities. This could easily be resolved with clear instructions from the NSW Department of Planning and Environment. We therefore recommend 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, without the need for development consent.

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.

- 6.54** The committee considers development consent provisions that deliberately restrict live music performances to be antiquated. As the NSW Department of Planning and Environment noted, these measures are a surrogate for managing noise. It is our belief these conditions are an unnecessary restriction on employment and culture and do not recognise advances in sound attenuation. While we are not able to make recommendations directly to local councils to remove conditions on live music performances, we strongly encourage that this action be taken.

Land use conflict

- 6.55** As discussed in Chapter 3, the number of venues available for rehearsal and performance is declining in New South Wales. Stakeholders suggested that this has partly been the result of increasing pressure from development. For example, Inner West Council identified the following 'major challenges and the threats' to live entertainment arising from land use conflict:
- rezoning of industrial lands, resulting in a loss of cultural spaces that house local artists, makers, recording studios and venues
 - increasing residential development near cultural activity, particularly industrial lands
 - changing expectations of residents through the process of gentrification
 - cultural organisations are being 'priced out' of the area due to a loss of suitable spaces/ rezoning and gentrification
 - increasing concerns arising from noise attenuation issues, for example, in the instance of music venues, new residential developments threaten creatives' ability to generate noise.⁵³⁰

⁵³⁰ Submission 3, Inner West Council, p 3. Also see, Submission 26, Mr Daniel Ticac, p 1.

6.56 Many inquiry participants expressed concern about the impact of development, particularly in Sydney. For example, Mr Tyson Koh, Campaign Director of Keep Sydney Open, described how the 'battle for space' is seeing developers remove opportunities for creative expression from the city:

One of the core issues at play is the battle for space - space in precincts in this city where people feel uninhibited to create, socialise and make a racket. High-rise towers are being built where clubs and performance spaces once entertained. Historic pubs are being converted to houses and it has led to a feeling among musicians, creatives, young people and many others that we are being edged out of Sydney.⁵³¹

6.57 Likewise, Mr Michael Rose, Chair of the Committee for Sydney, said that the competition for sites is affecting housing affordability and is seeing developers replacing creative spaces, such as pubs and clubs, with apartments.⁵³²

6.58 Similarly, Mr Greg Carey, Artist Manager of The Rubens, and Co-chair of the Association of Artist Managers, stated that gentrification is responsible for pushing creatives and creative spaces, such as rehearsal venue Troy Horse, out of the inner city.⁵³³

6.59 Mr Dave Faulkner of the Hoodoo Gurus concurred and observed: '... Sydney has been doing everything it can to destroy all those places of entertainment and turn them into apartment buildings'. He cautioned: 'The city is dying as a cultural place. It is becoming empty of culture'.⁵³⁴

6.60 The pressures brought about by urban development are not unique to Sydney. The committee heard that Newcastle is experiencing similar concerns. Clr Declan Clausen, Deputy Mayor of Newcastle City Council, said: 'Residential density is increasing in the city and with this comes the challenges of balancing the needs of those calling the city home, and those who visit for entertainment'.⁵³⁵

6.61 Mr Tony Peterson commented that live music venues in Newcastle are being replaced by apartment blocks:

Over the last few years the notion you can build a block of units next to a pub that has been there for 100 years seems to be ridiculous to me. The residents are able to complain about the noise and those residents might move out in six or 12 months but that pub has now lost its vibe forever. Venues like Fanny's, the Castle, the Jolly Roger, the Palais, the Ambassador, the Cambridge, the Empire, the Star, Lloyds, the Castanet Club, the Bellaire, and Cardiff and Newcastle workers clubs are all gone. None of them are around any more and no-one has live music.⁵³⁶

⁵³¹ Evidence, Mr Tyson Koh, Campaign Director, Keep Sydney Open, 24 August 2018, p 56.

⁵³² Evidence, Mr Michael Rose, Chair of the Committee for Sydney, 26 March 2018, p 50.

⁵³³ Evidence, Mr Greg Carey, Artist Manager, The Rubens, and Co-chair, Association of Artist Managers, 24 August 2018, p 34.

⁵³⁴ Evidence, Mr Dave Faulkner, Artist, Hoodoo Gurus, 26 March 2018, p 29.

⁵³⁵ Evidence, Clr Declan Clausen, Deputy Mayor, Newcastle City Council, 23 August 2018, p 2.

⁵³⁶ Evidence, Mr Tony Peterson, 23 August 2018, p 32.

- 6.62** Indeed, Mr Grant Walmsley of the The Screaming Jets, observed: 'Big business is coming to town with unbridled property development, building units and knocking down places like the Lass O'Gowrie Hotel [a local live music venue]'.⁵³⁷
- 6.63** The case study below describes the experience of The Lass O'Gowrie.

Case study: The Lass O'Gowrie⁵³⁸

Mr Ian Lobb and Mrs Michelle Lobb have operated The Lass O'Gowrie for 26 years. The venue is often the first stage that performers play outside of a lounge room or garage and is considered the cradle of Newcastle's original music scene. In fact, The Lass can host up to 20 bands per week, and during events up to 20 bands per day have performed in the courtyard and main stage area.

The Lass has received its fair share of noise complaints, including one at 7.30 pm on ANZAC Day. However, Mr Lobb is worried that complaints will increase once construction is complete on the property neighbouring The Lass. Construction on the \$83 million development—twin towers with 206 units that will be home to at least 400 residents—commences in January 2019.

Moreover, Mr Lobb reluctantly acknowledged that The Lass will certainly not be maintained as a live music venue should it be purchased by developers. He and many others lamented that should The Lass close, Newcastle will be the poorer for it.

- 6.64** The tension caused by overdevelopment was frustrating for inquiry participants because, as Councillor Jess Scully from the City of Sydney observed: '... developers benefit when there is active, social and creative economies within the neighbourhoods that they create'.⁵³⁹
- 6.65** The Live Music Office argued that land use issues were compounded by the lack of clearly identifiable ground rules and regulatory responsibilities to support the development and sustainability of venues.⁵⁴⁰ Likewise, the Committee for Sydney said: 'We need clarity on the part of planning authorities about what kinds of activities they want to encourage in different places'.⁵⁴¹

Proposals to overcome land use conflict

- 6.66** Inquiry participants emphasised the need to address land use conflict. The committee heard that unlike other states, such as Victoria and Queensland, there is no clear government intention to protect and promote the interests of live music venues. For example, the Darlinghurst Business Partnership observed:

The problem lies in the fact that NSW has never legislated around this in any meaningful way and the only pieces of legislation we do have are prescriptive, they in no way set out to nurture and support vibrant evening and late night economies. These are the LEP (predicated on reducing the impact of late night traders on residents) and the 'Lockout laws', which is a containment policy.

⁵³⁷ Evidence, Mr Grant Walmsley, Artist, The Screaming Jets, 23 August 2018, p 20.

⁵³⁸ Evidence, Mr Ian Lobb, Owner and Licensee, The Lass O'Gowrie, 23 August 2018, pp 12-15.

⁵³⁹ Evidence, Clr Jess Scully, Councillor, City of Sydney, 26 March 2018, p 17.

⁵⁴⁰ Submission 283, Live Music Office, p 17.

⁵⁴¹ Evidence, Mr Michael Rose, Chair of the Committee for Sydney, 26 March 2018, p 50.

Compare this to QLD, where the pre-amble to the Fortitude Valley Act is (I paraphrase) 'QLD explicitly recognises the economic and social value of Arts and Culture to the QLD economy.' Or Melbourne, where they do not 'Other' night life, but include it simply as one cycle in the 24 hour rhythm of the city. This enables 'whole of government' planning and management and the integration of the day and night time economies, which are intrinsically linked.⁵⁴²

- 6.67** As noted previously, inquiry participants encouraged the government to consider adopting the approaches to land use conflict adopted in Victoria and Queensland. Following on, the case study below examines the agent of change approach adopted in Victoria.

Case study: Agent of change – The Victorian experience

In 2014, the Victorian government introduced the agent of change principle into planning law by way of Planning Scheme Amendment VC120 and Clause 52.43. The principle is closely aligned to the State Environment Protection Policy No. N-2 which deals with noise from music venues and measures noise levels to sensitive receptors, including residents.⁵⁴³

The agent of change principle acknowledges that the first occupant has rights in regard to sound attenuation and noise levels,⁵⁴⁴ and aims to protect live music venues from residential encroachment.⁵⁴⁵

The agent of change principle is triggered automatically when a new planning permit application is lodged,⁵⁴⁶ and requires an 'agent of change' to include noise attenuation measures in their new establishment. For example, a new residential development within 50 metres of an existing live music venue must include noise attenuation measures.⁵⁴⁷ It has been observed that it is often far more efficient and cost effective for the new developer to assist the venue to control noise at its source.⁵⁴⁸

Conversely, live music venues entering into new environments must also take measures to ensure that the venue does not emit noise at a level that is likely to be disturbing.⁵⁴⁹

The program has been successful.⁵⁵⁰ However, it was acknowledged that there are some concerns with its operation, particularly around local governments' approach and understanding of acoustic testing and its relative ineffectiveness to promote new live music venues.⁵⁵¹

⁵⁴² Submission 36, Darlinghurst Business Partnership, p 1.

⁵⁴³ Evidence, Mr Nick Tweedie, Barrister, Owen Dixon Chambers West, 8 August 2018, p 2.

⁵⁴⁴ Evidence, Ms Kirsty Rivers, Manager, Contemporary Music, Creative Victoria, 7 August 2018, p 4.

⁵⁴⁵ Music Victoria, *How to: Agent of Change*, <https://www.musicvictoria.com.au/resources/agent-of-change-explained>.

⁵⁴⁶ Music Victoria, *How to: Agent of Change*, <https://www.musicvictoria.com.au/resources/agent-of-change-explained>.

⁵⁴⁷ Evidence, Ms Kirsty Rivers, Manager, Contemporary Music, Creative Victoria, 7 August 2018, p 4.

⁵⁴⁸ Evidence, Mr Nick Tweedie, Barrister, Owen Dixon Chambers West, 8 August 2018, p 3.

⁵⁴⁹ Evidence, Mr Nick Tweedie, Barrister, Owen Dixon Chambers West, 8 August 2018, p 2.

⁵⁵⁰ Evidence, Ms Kirsty Rivers, Manager, Contemporary Music, Creative Victoria, 7 August 2018, p 4; Evidence, Mr Patrick Donavon, Chief Executive Officer, Music Victoria, 7 August 2018, p 13; Evidence, Mr Jon Perring, Proprietor, The Tote, 7 August 2018, p 34.

⁵⁵¹ Evidence, Mr Patrick Donavon, Chief Executive Officer, Music Victoria, 7 August 2018, p 12; Evidence, Mr Jon Perring, Proprietor, The Tote, 7 August 2018, p 34.

The program is currently under internal review.⁵⁵² In addition, Music Victoria has provided the Victoria Department of Planning with a report outlining opportunities to address some of these concerns including red tape reduction measures and additional support for new venues.⁵⁵³

The agent of change principal works in tandem with the Good Music Neighbours Grant Program which provides up to \$25,000 per live music venue in matched funding for sound attenuation. This program has supported approximately 80 venues to invest in sound attenuation measures.⁵⁵⁴

6.68 The case study below examines the planned entertainment precinct approach taken by Brisbane City Council.

Case study: The Fortitude Valley Special Entertainment Area⁵⁵⁵

Fortitude Valley (the Valley) borders the Brisbane Central Business District to the north-east. It is Brisbane's most popular and vibrant entertainment hub.

Since the mid-1990's, inner city urban renewal has attracted many new residents to the Valley, which raised concerns about the potential impact of residential development on the future of live music and nightclubs in the area. The main point of tension was the volume of amplified music emitted from nightclubs, bars, pubs and live music venues.

In 2006, the Brisbane City Council created the Fortitude Valley Special Entertainment Area (the precinct) which seeks to ensure:

- the long-term future of the live music scene within and around the Valley and the vibrancy of the Valley without exposing residents to unreasonable levels of amplified music noise
- a balance between the expectations of music venues, nightclubs, residents, developers and businesses
- existing venues are protected from unreasonable impacts associated with encroaching residential development
- new residential development incorporates a high level of noise insulation.

The precinct is a geographical area designated in Brisbane City Council's planning scheme, called the Brisbane City Plan 2014, which:

- exempts music venues from the noise requirements of the Queensland Liquor Regulation 2002 and replaces them with the noise requirements of a Council local law called the *Amplified Music Venues Local Law 1996 (Qld)*
- identifies the location where specific noise insulation requirements apply to new residential development
- protects existing venues within the precinct from encroaching development and makes it possible for new music venues to open with limited restriction.

⁵⁵² Evidence, Ms Kirsty Rivers, Manager, Contemporary Music, Creative Victoria, 7 August 2018, p 5.

⁵⁵³ Evidence, Mr Patrick Donavon, Chief Executive Officer, Music Victoria, 7 August 2018, p 12.

⁵⁵⁴ Evidence, Ms Kirsty Rivers, Manager, Contemporary Music, Creative Victoria, 7 August 2018, p 5.

⁵⁵⁵ Correspondence, Colin Jensen, Chief Executive Officer, Brisbane City Council, to Chair, 21 September 2018, Attachment A, p 1.

- Brisbane City Council manages all live music noise complaints within the Fortitude Valley Special Entertainment Area. The police take responsibility for noise complaints outside of this zone.⁵⁵⁶

- 6.69** The committee heard that certain local councils, including the City of Sydney, Wollongong City Council and Newcastle City Council have either adopted, or are considering the use of similar measures to manage land use conflicts and support thriving music and arts and night-time economies in their local government areas. Indeed, the Live Music Office referred to Wollongong City Council as a best practice model and suggested that this approach could be adopted by other local councils.⁵⁵⁷
- 6.70** The table below outlines some of the actions taken by the City of Sydney, Wollongong City Council and Newcastle City Council to manage land use conflicts and support thriving music and arts and night-time economies.

Table 6 Table of activities being undertaken by the City of Sydney, Wollongong City Council and Newcastle City Council to minimise land use conflict and support the music and arts and night-time economies

	City of Sydney ⁵⁵⁸	Wollongong City Council ⁵⁵⁹	Newcastle City Council ⁵⁶⁰
Policies and plans	<ul style="list-style-type: none"> • <i>Creative City Cultural Policy and Action Plan</i> • <i>Live Music and Performance Action Plan</i> • <i>OPEN Sydney Strategy and Action Plan</i> 	<ul style="list-style-type: none"> • <i>Evening Economy Action Plan 2014-18</i> • <i>Live Music Action Plan 2014-18</i> • Developing a Crown Street Mall Activity Policy to encourage and provide guidelines for increased activation of the Crown Street Mall 	<ul style="list-style-type: none"> • <i>Establishing a Live Music Strategy</i> • <i>Awaiting adoption of Newcastle After Dark Strategy</i>
Development controls	<ul style="list-style-type: none"> • Developing criteria that will ensure the small-scale cultural activities that are exempt meet community expectations of 'minimal environmental impact' 	<ul style="list-style-type: none"> • Re-introduced section 149 certificates for dwellings in residential entertainment and evening economy zones. These certificates make it clear to the purchaser that these areas 	<ul style="list-style-type: none"> • Considering the use of section 149 certificates • Considering the adoption of acoustic and privacy conditions

⁵⁵⁶ Brisbane City Council, Acceptable noise levels and complaints, <https://www.brisbane.qld.gov.au/laws-permits/complaints-fines/noise-air-light-water-complaints/noise-restrictions-complaints/acceptable-noise-levels-complaints>.

⁵⁵⁷ Submission 283, Live Music Office, p 26.

⁵⁵⁸ Submission 246, City of Sydney.

⁵⁵⁹ Submission 281, Wollongong City Council; Evidence, Mr Mark Grimson, Economic Development Manager, Wollongong City Council, 4 July 2018.

⁵⁶⁰ Submission 243, Newcastle City Council; Evidence, Clr Declan Clausen, Deputy Lord Mayor, Newcastle City Council, 23 August 2018; Evidence, Mr Ian Rhodes, Community Planning Coordinator, Newcastle City Council, 23 August 2018.

	<ul style="list-style-type: none"> • Establishing new planning controls specifically for cultural uses that may have some impacts and need development consent, these may include standards related to capacity, opening hours and plans of management • Working to develop guidance on solutions for fire safety and building compliance for cultural activity taking place in existing building spaces of 499m2 or less • Considering implementing 'agent of change' • Considering the adoption of fixed criteria for noise 	<ul style="list-style-type: none"> • have capacity to trade in the evening • Adopted acoustic and privacy conditions, such as double glazing on windows and doors, also apply to dwellings in residential entertainment and evening economy zones • Incorporated outdoor dining in the city centre until midnight in its planning controls 	<ul style="list-style-type: none"> • Considering the use of 'agent of change'
<p>Other</p>	<ul style="list-style-type: none"> • Intending to prepare a noise compliance guideline 	<ul style="list-style-type: none"> • Established a dedicated small business assessment team to specifically cater to the needs of small business • Developing information guides for start-up businesses that provide specific information on process requirements and resources available for setting up a temporary or permanent venue/activity • Implementing a new events process, which streamlines eight different applications into one single event application, minimising red tape for small businesses resulting in generic Events DA's for 8 specific sites within the LGA and generic DA for Street trading in the City Centre (Crown Street Mall) (examined in Chapter 9) 	<ul style="list-style-type: none"> • Considering producing MP4s of what of night sounds like in an urban area, like in Fortitude Valley • Conducting sector mapping of the live music industry

		<ul style="list-style-type: none"> • Supporting local promoters to deliver high calibre live music events in the city • Developed a coordinated noise complaints process whereby noise complaints arising from live music/licensed venues can be considered by the Community Reference Group⁵⁶¹ 	
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6.71 The committee received evidence from other local councils, including the City of Parramatta, Penrith City Council and Liverpool City Council, which are similarly considering opportunities to facilitate their emerging and developing night-time economies through the implementation of various plans and development controls.⁵⁶²

6.72 There was widespread support for adopting, or at least partially adopting the agent of change principle.⁵⁶³ However, the Live Music Office identified concerns with this approach, including that it:

- sets broad ground rules
- gives equal weighting to residential and night economy businesses depending on entry into the space.
- only protects existing venues from land use conflict
- places potentially onerous obligations on grass roots/ancillary activations
- does not ensure an area's vibrant character.⁵⁶⁴

6.73 Alternatively, the Live Music Office suggested that the live entertainment precinct model:

- sets specific ground rules
- protects new and existing venues from land use conflict
- identifies residential land use as subordinate to entertainment land use
- ensures an area's desired character maintained.

⁵⁶¹ Submission 283, Live Music Office, p 27.

⁵⁶² Evidence, Ms Jeni Pollard, Place Manager, Penrith City Council, 14 September 2018, p 7; Evidence, Mr Beau Reid, Project Officer, Economic Development, City of Parramatta, 14 September 2018, pp 7-8; Evidence, Ms Kiersten Fishburn, Chief Executive Officer, Liverpool City Council, 14 September 2018, p 11.

⁵⁶³ Evidence, Mr Brian Lizotte, Owner Lizotte's, 23 August 2018, p 17; Evidence, Mr Chris Gatfield, Manager, Policy and Research, Australian Hotels Association NSW, 24 August 2018, p 38; Submission 264, The Lansdowne Fifteen, p 2; Submission 241, City of Parramatta Council, p 3; Evidence, Ms Justine Baker, Chief Executive Officer, Solotel Group, 26 March 2018, p 43; Submission 377, Live Nation Entertainment, p 2.

⁵⁶⁴ Submission 283, Live Music Office, p 17.

6.74 Inquiry participants identified shortcomings with planned precincts. For example, Mr Brandon Saul, Organiser/Promotor of Falls Festival, observed that if pursued as a single solution, precincts may discourage authenticity and stifle the organic development of music and arts across a region.⁵⁶⁵ Mr Roger Field, Chief Executive Officer of Live Nation Australia, noted that previous efforts to develop entertainment precincts in Sydney, such the Entertainment Quarter and Darling Harbour, had proven unsuccessful.⁵⁶⁶

6.75 The NSW Police Force also noted that precincts may present certain challenges for their work.⁵⁶⁷

6.76 The Australian Hotel Association NSW suggested that rather than adopting one approach over the other, the NSW Government should consider pursuing a hybrid model that incorporates both planned entertainment precincts and agent of change:

AHA NSW advocates a blended policy, comprising designated entertainment precincts where liquor licence, noise, safety and amenity are a focus complimented by agent of change laws that ensure new developments are built to dampen the infiltration of sound into newly constructed dwellings.⁵⁶⁸

6.77 Other complimentary land use proposals included:

- defining the cultural value of creative industries and the way in which these are used, particularly for the purposes of planning and development⁵⁶⁹
- defining the value of cultural production, and the cultural production/manufacturing interface⁵⁷⁰
- protecting industrial lands that house cultural production spaces from rezoning⁵⁷¹
- requiring all new buildings to include reasonable sound attenuation measures⁵⁷²
- developing integrated transport strategies for significant night-time entertainment and commercial districts.⁵⁷³

⁵⁶⁵ Evidence, Mr Brandon Saul, Organiser/Promotor, Falls Festival, 31 July 2018, p 40.

⁵⁶⁶ Evidence, Mr Roger Field, Chief Executive Officer, Live Nation Australia, 7 August 2018, p 29 and p 30. Also see, Evidence, Mr Tyson Koh, Campaign Director, Keep Sydney Open, 24 August 2018, p 60.

⁵⁶⁷ Evidence, Mr Mark Walton, Assistant Commissioner, NSW Police Force, 28 may 2018, p 17.

⁵⁶⁸ Submission 232, Australian Hotel Association NSW, p 3. Also see, Submission 230, Association of Australian Musicians, p 2.

⁵⁶⁹ Submission 3, Inner West Council, pp 5-6.

⁵⁷⁰ Submission 3, Inner West Council, pp 5-6.

⁵⁷¹ Submission 3, Inner West Council, pp 5-6.

⁵⁷² See, Submission 36, Darlinghurst Business Partnership, p 1; Submission 217, Southern Tableland Arts (STARTS), p 1; Submission 241, City of Parramatta Council, pp 3-4.

⁵⁷³ Submission 264, The Lansdowne Fifteen, p 2.

- 6.78** As previously mentioned, the NSW Government advised that it is considering best practice models for land use, including the approaches taken by Victoria, Brisbane, Wollongong and Sydney.⁵⁷⁴

Committee comment

- 6.79** The committee acknowledges that the tensions arising from land use conflict are not easily resolved, particularly in relation to noise and the expectations of residents in urban areas. As discussed in previous chapters, the government must reflect on the type of community it wants to create here in New South Wales. On the one hand, the government has told the committee that it wants to promote cultural vibrancy of the state. On the other hand, we hear that the planning initiatives designed to promote cultural activity outlined in the Sydney Night-Time Economy Taskforce are at least a year behind.
- 6.80** The committee commends the initiative taken by numerous local councils, including the City of Sydney, Wollongong City Council and Newcastle City Council to commence, and in some cases implement, a range of actions to minimise land use conflict and support the development of their night-time economies. We encourage other local councils to introduce similar plans.
- 6.81** The committee recommends that Create NSW engage with local government through the NTE Councils' Committee (NTECC), on how State and Local Government can collaborate to support the development of more music, arts, creative and theatre spaces to grow our cultural infrastructure.

Recommendation 38

That Create NSW engage with local government through the NTE Councils' Committee (NTECC), on how State and Local Government can collaborate to support the development of more music, arts, creative and theatre spaces to grow our cultural infrastructure.

- 6.82** The committee notes that the adoption of an agent of change principle – the basic premise being that any new development must manage its sound attenuation – certainly has wide public support. Moreover, it appears to be operating successfully, albeit with a few concerns, in Victoria. However, adopting this model fails to tackle a key concern in New South Wales, that is, encouraging the development of live music venues.
- 6.83** The committee acknowledges the success of the planned precinct model in Brisbane's Fortitude Valley. This model appears to protect the character of an area and support the development of new entertainment options. However, amongst other concerns, we recognise that this model may not adequately support the organic development of creative venues outside of designated precincts.

⁵⁷⁴ Evidence, Ms Alison Frame, Deputy Secretary for Policy and Strategy, Department of Planning and Environment, 14 September 2018, p 29. Also see, Answers to questions on notice, Create NSW, 2 May 2018, p 5.

- 6.84** The committee therefore recommends that the NSW Department of Planning and Environment investigate adopting a hybrid model in New South Wales that draws elements from both the Victorian and Queensland approaches to best support the sustainability and development of cultural activities, particularly live music. This model should consider:
- 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.
- 6.85** In addition, the committee recommends that the NSW Department of Planning and Environment introduce exempt and complying development for low impact entertainment.

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.
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Recommendation 40

That the NSW Department of Planning and Environment introduce exempt and complying development for low impact entertainment.

Cultural hubs

- 6.86** Cultural hubs are precincts that allow for creative industries to be co-located. Traditionally, these spaces have developed organically.⁵⁷⁵ However, more recently stakeholders have encouraged the NSW Government to identify and plan cultural hubs.⁵⁷⁶ For example, Creativism supported developing a creative hub in Western Sydney that was centred around the Powerhouse Museum to Parramatta and supported by other cultural facilities such as theatres.⁵⁷⁷

⁵⁷⁵ Submission 36, The Darlinghurst Business Partnership, p 1.

⁵⁷⁶ Submission 36, The Darlinghurst Business Partnership, p 1; Submission 381, MEAA, p 9; Submission 36, The Darlinghurst Business Partnership, p 1.

⁵⁷⁷ Submission 234, Creativism, p 3.

- 6.87** The committee heard that these planned hubs have grown out of increasing concern that property prices, particularly in the inner-city and Greater Sydney region, alongside urban development will make venues for creative production and music performance unaffordable.⁵⁷⁸ For example, the committee heard that Mirvac had proposed a development that would have eliminated industrial land in the cultural hub around Carrington Road in Marrickville in Sydney's Inner West.⁵⁷⁹
- 6.88** Moreover, Councillor Jess Scully from the City of Sydney, observed that despite undertaking large-scale urban renewal projects in the Bays Precinct, Sydenham to Bankstown and Redfern-Waterloo area, the NSW Government has not taken a coordinated approach in securing space for cultural and creative production in these areas.⁵⁸⁰
- 6.89** The City of Sydney cautioned: 'Without leadership from the state government, there is a risk that the Live Music and Arts Economy will be priced out of Sydney, and built out as appropriate building stock is lost'.⁵⁸¹ The City of Sydney noted that this will have a serious economic ramifications.⁵⁸²
- 6.90** The committee visited the site of the Collingwood Arts Precinct in Melbourne. The case study below discusses the site.

Case study: The Collingwood Arts Precinct⁵⁸³

The Collingwood Arts Precinct is located on the site of the former Collingwood TAFE in Melbourne. Creative Victoria took over management of the site in 2010 as part of the project to build a new home for Circus Oz.

Following numerous investigations, it was determined that the remaining portion of the site would be as a contemporary creative precinct – one that could operate independently from the government and provide a home for small and medium creative organisations as well as artists and complementary businesses, including community radio.

The site seeks to provide some security for creative organisations and entities that might otherwise struggle to stay in Collingwood and inner northern Melbourne. It is also an opportunity to embrace the life cycle of creativity, that is, be a place where people can start things, collaborate on projects, and provide flexibility for creative projects.

The precinct is inspired by international organisations including Artscape (Toronto), Acme Studios (London) and Artspace (US).

The Collingwood Arts Precinct will be the first of its kind in Australia – a charitable social enterprise managing a vibrant, cross-disciplinary cultural precinct that provides secure customised space for the creative industries.

⁵⁷⁸ Answers to questions on notice, City of Sydney, 4 May 2018, p ii.

⁵⁷⁹ Evidence, Clr Darcy Byrne, Mayor, Inner West Council, 28 May 2018, p 5.

⁵⁸⁰ Evidence, Clr Jess Scully, Councillor, City of Sydney, 26 March 2018, p 20. Also see, Evidence, Mr John Wardle, Director, Live Music Office, 26 March 2018, p 54.

⁵⁸¹ Answers to questions on notice, City of Sydney, 4 May 2018, p ii.

⁵⁸² Answers to questions on notice, City of Sydney, 4 May 2018, p ii.

⁵⁸³ Creative Victoria, Collingwood Arts Precinct, <https://creative.vic.gov.au/showcase/co-working-and-collaboration/collingwood-arts-precinct>

- 6.91** The fate of the proposed Sydenham Creative Hub was discussed during the inquiry. The case study below discusses the history of this proposal.

Case study: Sydenham Creative Hub⁵⁸⁴

The Sydenham Creative Hub was a cultural hub planned for Marrickville in Sydney's Inner West. The Inner West Council's vision for the hub was for a vibrant entertainment and employment precinct where music venues, small bars, restaurants live and cafés thrive alongside traditional and creative industries.

The proposed site is one of the last appropriate areas of our inner city to establish a cultural precinct. Key attributes of the site included: that it has substantial existing arts and cultural character which has developed organically over time; it is under the flight path where residential development is restricted by noise levels; the building stock is compatible and affordable; its directly adjacent to a major transport interchange.

The proposal for the Sydenham Creative Hub was developed following five years of stakeholder consultation and had been endorsed repeatedly prior to the amalgamation of Marrickville Council in 2016.

The administrator of the new Inner West Council then chose to further endorse it and progress it through the system. The NSW Department of Planning and Environment gave in-principle agreement to gazetting the rezoning proposal and required that a further economic impact assessment be undertaken prior to the final approval.

This assessment was undertaken by SGS Economics, who it is alleged failed to liaise with any stakeholders from the music or arts sectors. Ultimately, SGS Economics suggested that the proposal be reduced in scale by about 90 per cent.

Following the assessment, the operator of a local chicken manufacturing plant conducted a very strong advocacy campaign against the proposed cultural hub, so when the proposal was considered by the newly elected Inner West Council in late 2018, a majority of councillors agreed to rescind their previous support for the proposal.

Clr Darcy Byrne, Mayor of Inner West Council, described the situation as 'extraordinary and disappointing'. Likewise, the Live Music Office said the outcome had distressed Sydney's music, arts and cultural sector, particularly those who had spent five years working on the initiative.

- 6.92** Stakeholders expressed particular support for the development of a music industry hub. The Live Music Office and the Electronic Music Office suggested that co-locating contemporary music organisations and businesses, rehearsal and performance space, writing and recording studios would allow for greater capacity building in the industry development.⁵⁸⁵

Committee comment

- 6.93** The committee believes that there is a clear and present need to prioritise the development of a new cultural hub, modelled on the Collingwood Arts Precinct example. As discussed earlier in

⁵⁸⁴ Evidence, Clr Darcy Byrne, Mayor, Inner West Council, 28 May 2018, p 5. Also see, Submission 283, Live Music Office, p 29; Evidence, Ms Kerri Glasscock, Chief Executive Officer, Sydney Fringe Festival, 26 March 2018, pp 66-67.

⁵⁸⁵ Submission 283, Live Music Office, p 6; Submission 286, Electronic Music Conference, p 5.

this chapter, there is a limited amount of rehearsal and performance space in Sydney and creatives are facing the very real prospect of being priced out of the city indefinitely.

- 6.94** The committee acknowledges the specific calls from the music industry to develop a music hub, that is a precinct that co-locates the Music Development Office, contemporary music organisations and businesses, rehearsal and performance space, community radio, writing and recording studios and a youth venue. This type of place will provide ample opportunity for musicians and music professionals to collaborate and create.
- 6.95** The committee therefore recommends that the NSW Government investigate options for a cultural hub that co-locates the Music Development Office, contemporary music organisations and businesses, rehearsal and performance space, community radio, writing and recording studios and a youth venue in Inner Sydney.
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Recommendation 41

That the NSW Government investigate options for a cultural hub that co-locates the Music Development Office, contemporary music organisations and businesses, rehearsal and performance space, community radio, writing and recording studios and a youth venue in Inner Sydney.

- 6.96** The committee found that the arguments put forward in favour of the Sydenham Creative Hub were convincing. The hub would have met the clear community demand for a safe space for artists to create, rehearse and collaborate with other creatives. We therefore find the fate of the proposed Sydenham Creative Hub is bewildering.
- 6.97** While the committee cannot direct recommendations to local governments, we strongly encourage Inner West Council to reconsider its decision to rescind support for the proposal.
- 6.98** The committee believes that the Sydenham Creative Hub is a unique precinct that can support our creative industries due to its development constraints under the Sydney Airport flight path and in the inner west, home to some of the highest numbers of musicians and artists in the country. The committee notes that the Sydenham Creative Hub proposal would enable the development of this potential culturally significant precinct, one of the last few of its scale in Sydney. The committee recommends that the Government consider the state significant nature of the Sydenham Creative Hub proposal if the Inner West Council continues to refuse approval.
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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.

Chapter 7 Liquor licensing

This chapter examines concerns raised about liquor licensing for venues that host live music and other cultural activities, including that certain liquor licences prohibit or restrict live music. The chapter then considers the duplication of liquor licence and development consent processes and conditions and discusses options to streamline these activities. It also examines police involvement in liquor licensing processes and concludes by discussing the proposal to develop and implement a live music liquor licence in New South Wales.

Applying for a liquor licence

- 7.1** Most music or arts venues that serve alcohol must apply for a liquor licence. There are 12 different types of liquor licences in New South Wales, including licences for special events, on-premises, clubs, hotels and small bars.⁵⁸⁶
- 7.2** Every liquor licence is subject to licence conditions. Some conditions are imposed automatically by the state's liquor legislation.⁵⁸⁷ In certain circumstances, Liquor & Gaming NSW or the Independent Liquor & Gaming Authority may also decide to impose conditions on a licence to address a specific risk identified during the application process; or in response to community concerns; or under the formal disturbance complaint process in accordance with the *Liquor Act 2007*.⁵⁸⁸
- 7.3** Licensing conditions may consider: trading hours; amenity; primary purpose of premises; responsible service of alcohol; security, and the need for an incident register. Licence conditions typically include a requirement that the noise from pubs and clubs should not be heard inside any home between midnight and 7 am on any night. Licensing conditions may also restrict or limit entertainment.⁵⁸⁹

⁵⁸⁶ Liquor & Gaming NSW, *What liquor licence does my business need?*, (5 October 2018) <https://www.liquorandgaming.nsw.gov.au/Pages/liquor/liquor-licences/which-licence-do-i-need.aspx>

⁵⁸⁷ Liquor & Gaming NSW, *Licence conditions*, (27 September 2018) <https://www.liquorandgaming.nsw.gov.au/Pages/liquor/liquor-licences/licence-conditions.aspx>. Also see, Mr Anthony Trimarchi, Manager, Policy and Government, ClubsNSW, 24 August 2018, p 15.

⁵⁸⁸ Answers to supplementary questions on notice, Create NSW, 2 May 2018, p 9.

⁵⁸⁹ Liquor & Gaming NSW, *Small bar licence*, (1 September 2018) <https://www.liquorandgaming.nsw.gov.au/Pages/liquor/liquor-licences/which-licence-do-i-need/small-bar-licence.aspx>; Liquor & Gaming NSW, *On-premises licence*, (4 September 2018) <https://www.liquorandgaming.nsw.gov.au/Pages/liquor/liquor-licences/which-licence-do-i-need/on-premises-licence.aspx>; Liquor & Gaming NSW, *Hotel licence*, (13 September 2018) <https://www.liquorandgaming.nsw.gov.au/Pages/liquor/liquor-licences/which-licence-do-i-need/hotel-licence.aspx>; Answers to questions on notice, Liquor & Gaming NSW, 12 September 2018.

Liquor licensing conditions that restrict or prohibit live entertainment

7.4 Stakeholders expressed significant concern with the nature of certain liquor licensing conditions. In particular, the committee received extensive evidence about licensing conditions that prohibit or restrict live entertainment. Indeed, the NSW Government advised that 94 licensed venues in New South Wales prohibit live entertainment, and a further 575 licensed venues have entertainment restrictions.⁵⁹⁰ As noted in Chapter 6, development consent conditions may also limit or restrict live entertainment.

7.5 Liquor & Gaming NSW provided the committee with a comprehensive list of entertainment conditions imposed on liquor licences in New South Wales. This list is provided in Appendix 3. Examples of some of these conditions are provided below.

- The Approved Manager or the supervisor on duty must ensure that no live entertainment, DJ entertainment, nightclub entertainment, live bands or vocalists entertainment is to occur at the premises. In this condition: Nightclub operation refers to times where the licensed premises, or any part of the licensed premises, is used to provide entertainment by way of live or recorded amplified music where there is a space offered to patrons for dancing. Typical features of a nightclub operation may include loud music played by a DJ, a dance floor area, low background lighting, and intermittent bright or coloured lighting effects.
- Live entertainment is NOT to be provided at the venue
- The licensee must ensure no live entertainment or DJ entertainment is permitted at the premises
- There will be no bands or disco after 12:00 midnight
- No heavy metal, hard rock, punk, electro/techno, rap or rave music is to be provided in the club
- The club is not to engage 'hard rock' or large bands or excessively noisy bands, groups or entertainment. Live bands are to be limited to the old time dance band on Friday night and modern type music, 50/50 and dance functions on Saturday nights and the Sunday evenings of long or holiday weekends
- Entertainment provided at the Hotel will be restricted to Folk Music provided by no more than two (2) persons, and no drum music will be amplified
- No rock bands will be permitted and no discotheques will be conducted on the premises
- Music to be provided by not more than a three (3) piece musical ensemble
- The type of performers be restricted to soloists, duos and trios, and low background music and TV screens, and that there should be no live rock bands.
- The licensee shall not permit live entertainment or the playing of disco music on the premises.
- Drum entertainment groups are prohibited.
- Drum entertainment groups are prohibited from using their instruments outside the premises at all times.
- Music to be provided by not more than a three (3) piece musical ensemble.
- At no time shall live entertainment (if permitted) include music provided by rock'n'roll or disco bands.
- Any live entertainment (if permitted), shall cease thirty (30) minutes before the hotel's closing time.
- No speakers shall be affixed to the exterior of the hotel or placed outside the hotel.

⁵⁹⁰ Answers to questions on notice, Liquor & Gaming NSW, 12 September 2018, p 1.

- Entertainment by way of Rock & Roll Bands to cease forthwith and not to resume until licensee satisfies the Board that the hotel can meet noise conditions attached to the Entertainment Authorisation.
- Entertainment is to be provided of two (2) performances of not less than forty five (45) minutes duration, one (1) before and one (1) after 12:00 midnight. Dance music is to be provided at other times.
- Entertainment allowed in the Beer Garden to be of a non-offensive acoustic style and to be played no later than 7:30PM on any given day.
- Entertainment is to be confined to solos, duos, small cover bands and country and western music - no large rock bands and the like are to provide entertainment.
- All doors and windows of the entertainment area are to be closed when entertainment is to be provided.
- Jazz, Folk and Popular music may be performed by live musicians provided that the LA10* noise level emitted from the licensed premises does not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz - 8kHz inclusive) by more than 5dB between 7:00am and 12:00 midnight at the boundary of any affected residence. If the premises ever trade beyond 12:00 midnight, the LA10* noise level emitted from the licensed premises is not to exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) between 12:00 midnight and 7:00am at the boundary of any affected residence. Notwithstanding compliance with the above, the noise from the licensed premises is not to be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00am. Interior noise levels which still exceed safe hearing levels are in no way supported or condoned by the Office of Liquor, Gaming and Racing. * For the purposes of this condition, the LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises.
- Entertainment is to be restricted to Solo Artists, Duo's, Trio's, Cover Bands, Jazz Groups but not Hard Rock Bands or any bands or group emitting noise levels (when measured in the centre of the dance floor) greater than 90dB(A).
- Live entertainment is to be restricted to solo artists, duos, trios, jazz groups but not rock bands or any bands or groups emitting noise levels when measured in the centre of the dance floor greater than 105 decibels.
- There is to be no disco type entertainment on the premises and the only entertainment permitted is a guitarist and keyboard player or the playing of compact disks of a 'soft' rock and roll nature.
- That the type of music played on the premises is to be limited to jazz and rock & roll.
- Entertainment is to be restricted to solo acoustic artists either outside the venue, or in the corner of the licensed premises.⁵⁹¹

7.6 Inquiry participants stated that liquor licensing conditions that particularly prohibit or restrict entertainment include: no live performance; no amplified music; no live entertainment; no live music; no dancefloor; no rock music; only soloists, duos, trios and low background and/or amplified music where volume is controllable; no DJ entertainment; and on occasion where

⁵⁹¹ Answers to questions on notice, Liquor & Gaming NSW, 12 September 2018, p 2, p 3, p 4, p 5, p 6, p 7, p 8, p 10, p 11, p 14, p 15, p 16, p 23. [emphasis as per original].

entertainment is provided outside of the licensed premise building, the amplification system be arranged and operated so as to direct sound in a general southerly direction.⁵⁹²

- 7.7 The case study below discusses the licensing conditions for Goros, a bar in Sydney's Surry Hills. During the inquiry the committee heard that the venue's liquor licence restricts entertainment, such as dancing, and discourages the use of mirror balls and flashing lights.

Case study: Goros: The mirror ball

Goros is a Japanese-themed bar in the inner-Sydney suburb of Surry Hills. Amongst other licensing conditions, the venue cannot 'operate a dance floor with mirror balls and flashing lights'.⁵⁹³

The licence condition reads:

Non-use of glass condition: From 11:30pm until the close of business, whenever the premises or any part of the premise is trading as a nightclub operation* ...

*Nightclub operation refers to times where the licensed premises, or any part of the licensed premises, is used to provide entertainment by way of live or recorded amplified music where there is a space offered to patrons for dancing. Typical features of a nightclub operation may include loud music, a dance floor area, low background lighting, and intermittent bright or coloured lighting effects.⁵⁹⁴

The operator said that police regularly visit the venue questioning whether the operator is in breach of its licence because people are dancing.⁵⁹⁵

Liquor & Gaming NSW unequivocally rejected the assertion that the venue's liquor licence restricts the use of mirror balls.⁵⁹⁶ However, it was acknowledged that certain conditions may lead to the assumption that mirror balls are not allowed. For example, "*The Licensed Premises are not to be themed or operated as a Nightclub. No DJ styled booth, no disco lighting systems and no dance floor area are to be utilised at any time in the premises.*"⁵⁹⁷

The City of Sydney noted that the development consent for the venue does not prohibit the use of flashing lights or disco balls.⁵⁹⁸

The NSW Police Force advised that while venue decorations such as a mirror ball in and of themselves are not a significant issue; the installation of a mirror ball implies an intent to provide for a dance floor. The installation of a dance floor is a matter that needs to be considered in a development application approval. Police would have concern that the installation of a mirror ball in a premise that has not

⁵⁹² Evidence, Mr John Green, Director, Liquor and Policing, Australian Hotels Association NSW, 24 August 2018, pp 37; Evidence, Mr Karl Schlothauer, President, NSW Independent Bars Association, 24 August 2018, p 46; Evidence, Mr John Wardle, Live Music Consultant, APRA AMCO and the Live Music Office, 26 March 2018, p 53; Correspondence, From Mr Craig Power to the Chair, received 25 September 2018.

⁵⁹³ Submission 391, Solotel, p 3. Also see, Evidence, Ms Justine Baker, Chief Executive Officer, Solotel, 26 March 2018, p 42.

⁵⁹⁴ Answers to supplementary questions on notice, Liquor & Gaming NSW, 12 September 2018, p 8. Also see, Answers to questions on notice, Lansdowne Fifteen, 5 July 2018, p 6.

⁵⁹⁵ Evidence, Ms Justine Baker, Chief Executive Officer, Solotel, 26 March 2018, p 42.

⁵⁹⁶ Answers to supplementary questions on notice, Create NSW, 2 May 2018, p 8.

⁵⁹⁷ Answers to supplementary questions on notice, Create NSW, 2 May 2018, p 7 [emphasis as per original].

⁵⁹⁸ Answers to questions on notice, City of Sydney, 4 May 2018, p 14.

been approved for a dance floor could mean that the premises is being used for purposes not allowed for by the given conditions.⁵⁹⁹

- 7.8** The committee also received evidence that certain genres of music may be banned in licensed premises. The case study below details the experience the Terrigal Hotel and the 'no rock music' on its liquor licence.

Case study: Terrigal Hotel: No rock music⁶⁰⁰

The Terrigal Hotel, on the New South Wales Central Coast, has a 'no rock music' condition on its liquor licence.

In 2015, the hotel was prosecuted for 15 breaches of this condition. The hotel was convicted in the lower court.

The case was heard on appeal in the District Court. At this time, the hotel pled guilty to one breach of the 'no rock music' condition. The other 14 matters were dismissed. Mr John Green Director, Liquor and Policing, Australian Hotels Association NSW, identified the issues considered in the judgement, including the style of music that was played, whether a cover band or trio played, the marketing material produced, and the bands' play lists.

Mr Green said the case 'wasted a lot of judicial time' and was a significant imposition on resources and funds of the hotel group that defended that matter.

The NSW Police Force advised that the no 'rock music' licence condition was altered after the appeal to reflect the intent of the condition, namely to regulate the noise emanating from licensed venues rather than the genre.⁶⁰¹

The transcript of the court proceedings can be found at Appendix 8.

- 7.9** The committee also heard that live entertainment can be restricted through other means, such as excessive security conditions on licences. For example, Ms Kerri Glasscock, Chief Executive Officer, Sydney Fringe Festival, said her 65-seat theatre in Newtown requires security staff, before, during and after a performance.⁶⁰²
- 7.10** In another instance, Mr Chris Gatfield, Manager, Policy and Research at the Australian Hotels Association NSW, spoke to the example of a licensed venue that is restricted to allowing bands to load in and out of one entrance, despite having at least 15 entrances:

I have one [licence condition] in front of me which stipulates ... that, Band members and crew can only load and unload through ... this one entrance. This is a hotel that has about 15 different entrances. It is not just the way that music can be played, it is the

⁵⁹⁹ Answers to questions on notice, NSW Police Force, 9 July 2018, p 8.

⁶⁰⁰ Evidence, Mr John Green, Director, Liquor and Policing, Australian Hotels Association NSW, 24 August 2018, pp 35-36; Evidence, Mr John Wardle, Live Music Consultant, APRA AMCOS and the Live Music Office, 26 March 2018, p 53; Answers to questions on notice, NSW Police Force, 9 July 2018, p 8; Answers to questions on notice, Liquor & Gaming NSW, 12 September 2018, p 10.

⁶⁰¹ Answers to questions on notice, NSW Police Force, 9 July 2018, p 8.

⁶⁰² Evidence, Ms Kerri Glasscock, Chief Executive Officer, Sydney Fringe Festival, 26 March 2018, p 65.

conduct of musicians and band members that will, if breached, create a serious problem for this venue.⁶⁰³

7.11 Ultimately, Mr John Green, Director, Liquor and Policing at the Australian Hotels Association NSW, observed that these types of conditions restrict employment opportunities for musicians.⁶⁰⁴

Mr Green added: 'Those conditions around New South Wales are, I would not say regular, but where there have been historical issues they impose those regulations'.⁶⁰⁵

7.12 Mr John Wardle, Live Music Consultant at APRA AMCOS and the Live Music Office, suggested that the NSW Government take the approach adopted in South Australia and remove entertainment restrictions from liquor licences.⁶⁰⁶

7.13 As discussed in Chapter 6, the Government of South Australia amended liquor laws to remove the requirement for venues with liquor licences to obtain consent for entertainment between 11 am and midnight:

Amendments to South Australian liquor laws were unanimously passed by the South Australian Parliament in November 2015 to remove the requirement for venues with liquor licences to obtain consent for entertainment between 11am and midnight. The effect of these reforms is that it is no longer a requirement for licensed venues to obtain a separate consent to provide entertainment or live music. This removed a red tape barrier for venues to showcase live music and entertainment in South Australia, which previously regulated days, times, permitted artists and imposed fees on licensed venues wishing to provide entertainment.⁶⁰⁷

7.14 Mr Green supported removing entertainment restrictions.⁶⁰⁸

7.15 A related concern was that it is difficult to have licensing conditions reviewed. For example, Mr Craig Power of The Pub Group, stated:

... these conditions that were placed on our licences were done 20 years ago, were done a long time ago. They have not been revisited and the opportunity or the expense for us to get the conditions removed is a lengthy process and one which licensing police do not take lightly, and neither does the authority.⁶⁰⁹

⁶⁰³ Evidence, Mr Chris Gatfield, Manager, Policy and Research, Australian Hotels Association NSW, 24 August 2018, p 37.

⁶⁰⁴ Evidence, Mr John Green, Director, Liquor and Policing, Australian Hotels Association NSW, 24 August 2018, p 37.

⁶⁰⁵ Evidence, Mr John Green, Director, Liquor and Policing, Australian Hotels Association NSW, 24 August 2018, p 37.

⁶⁰⁶ Evidence, Mr John Wardle, Live Music Consultant, APRA AMCOS and the Live Music Office, 14 September 2018, p 4.

⁶⁰⁷ Government of South Australia, *Streamlining Live Music Regulation 90-day project - FINAL Streamlining Live Music Regulation Report*, 2015, p 7.

⁶⁰⁸ Evidence, Mr John Green, Director, Liquor and Policing, Australian Hotels Association NSW, 24 August 2018, p 37.

⁶⁰⁹ Evidence, Mr Craig Power, The Pub Group, 23 August 2018, p 7.

7.16 Liquor & Gaming NSW was circumspect in response to questioning about the rationale for entertainment-based liquor licensing conditions. Mr Paul Newson, Deputy Secretary of Liquor & Gaming NSW, advised: 'Often when we lift the veil we see that circumstances and issues have arisen previously and whoever imposed the licence conditions has grounded their decision in historical conduct or concerns'.⁶¹⁰ Mr Newson continued:

... we need to understand what power imposed that condition. It could have been a court, it could have been the Liquor Administration Board, it could have been the Independent Liquor and Gaming Authority [ILGA], or it could have been the secretary of the department. Different powers mean different issues and different causes. We need to understand why that condition was imposed.⁶¹¹

7.17 Liquor & Gaming NSW also argued that while there are approximately 17,000 liquor licences in New South Wales, only a 'small percentage' of venues restrict or prohibit live music.⁶¹²

7.18 Mr Newson acknowledged that many of these conditions are historical. In fact, the committee was advised that since its establishment in 2016, Liquor & Gaming has only imposed one such condition in response to a proposed amendment to a 'no live entertainment' clause.⁶¹³

7.19 The NSW Government assured the committee that it is considering opportunities to streamline liquor licensing and development consent processes for venues.⁶¹⁴ However, in response to the suggestion that entertainment conditions be removed from liquor licences, Mr Newson from Liquor & Gaming NSW said: '... on the face of it, I think that is a troubling proposition for a diversion of our resources'.⁶¹⁵ Mr Newson continued:

We are a risk-based regulator and we are applying our resources where we think the risk to the community is greatest. Do I divert my resources from that and trawl through—manually in many cases—17,500 licences and then form a view on what we think is an appropriate or inappropriate licence condition, because we could not do that on the face of the documents? We would then need to have some level of awareness of the venue and we would need to understand their level of satisfaction with the condition and how it is imposing on their business and the like.⁶¹⁶

7.20 Liquor & Gaming NSW stated that a licensee is welcome to contact the agency to request a review of a licence condition.⁶¹⁷ Mr Newson added: 'I have never had that put to me, certainly

⁶¹⁰ Evidence, Mr Paul Newson, Deputy Secretary, Liquor & Gaming NSW and Office of Racing, 26 March 2018, p 11.

⁶¹¹ Evidence, Mr Paul Newson, Deputy Secretary, Liquor & Gaming NSW and Office of Racing, 26 March 2018, p 11. Also see, Evidence, Mr Paul Newson, Deputy Secretary, Liquor & Gaming NSW and Office of Racing, 14 September 2018, p 21.

⁶¹² Evidence, Mr Paul Newson, Deputy Secretary, Liquor & Gaming NSW and Office of Racing, 14 September 2018, p 20.

⁶¹³ Answers to questions on notice, Liquor & Gaming NSW, received 8 October 2018, p 1.

⁶¹⁴ Evidence, Ms Alison Burton, Acting Executive Director, Planning Policy, NSW Department of Planning and Environment, 14 September 2018, p 32.

⁶¹⁵ Evidence, Mr Paul Newson, Deputy Secretary, Liquor & Gaming NSW and Office of Racing, 14 September 2018, p 27.

⁶¹⁶ Evidence, Mr Paul Newson, Deputy Secretary, Liquor & Gaming NSW and Office of Racing, 14 September 2018, p 27.

⁶¹⁷ Answers to supplementary questions on notice, Create NSW, 2 May 2018, p 9.

in recent times, that there is any caution or concern around seeking a review of a licence condition. I have never had represented to me by the peak clubs body that there is a caution or concern around ... coming to the regulator'.⁶¹⁸

Committee comment

- 7.21** The committee notes that 94 licensed venues in New South Wales prohibit live entertainment and a further 575 licensed venues have entertainment restrictions. The committee therefore calculates that a total of 669 licensed venues restrict or ban live music and entertainment. Despite this only being a small percentage of the 17,500 liquor licences in New South Wales, we believe these conditions are an unnecessary block to employing musicians.
- 7.22** As discussed in Chapter 5, live performance provides an essential income stream for musicians and an opportunity for artists to hone their performances and develop a fan base. It is the committee's view that barriers to a healthy live performance industry therefore need to be removed. Many of the most restrictive licensing conditions are historical, and as the NSW Department of Planning and Environment advised in Chapter 6 are a surrogate for managing noise. The committee also considers that matters such as genre, number of persons on stage, direction of sound, and venue decorations, should not be regulated.
- 7.23** As noted in Chapter 2, the South Australian Parliament amended liquor legislation to remove remove archaic conditions restricting certain entertainment in live music venues, such as prohibiting music genres or musical instruments. We note Liquor & Gaming NSW's concerns about adopting such a model, however much of the evidence suggests that these restrictions are historical and unduly onerous.
- 7.24** The committee recommends that the NSW Government review and amend liquor legislation to remove outdated conditions for liquor licences and development applications that place unnecessary restrictions on certain entertainment live music venues, such as prohibiting music genres or specific musical instruments. In addition, we recommend 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.
- 7.25** The committee believes that is important to carefully regulate noise, the service of alcohol and operating hours in venues. The committee also believes that regulating entertainment conditions as a proxy for these issues is not defensible. Matters such as banning live music, banning entertainment, the genre of music, the instruments, the number of musicians on stage, the direction the stage faces, the lighting or the way that venues are decorated should not be matters for regulation.

⁶¹⁸ Evidence, Mr Paul Newson, Deputy Secretary, Liquor & Gaming NSW and Office of Racing, 14 September 2018, p 24.

Recommendation 43

That the NSW Government review and amend liquor legislation to remove outdated conditions for liquor licences and development applications that place unnecessary restrictions on certain entertainment live music venues, such as prohibiting music genres or specific musical instruments.

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.

- 7.26** The committee believes that in principle that security requirements should evidence-based, rather than rely on a simple formula or a rule of thumb. We therefore recommend that the NSW Government ensure that security requirements for licensed venues be evidence-based.

Recommendation 45

That the NSW Government ensure that security requirements for licensed venues be evidence-based.

- 7.27** The committee also acknowledges that licensees said they are hesitant to request that their licence conditions be reviewed for fear of that review will result in significant expense, a laborious process, or the risk of having even more restrictive conditions imposed. We believe the review system should be as efficient as possible and recognise that licensees may be reluctant to have a single condition reviewed if it results in all of their conditions being subject to consideration. The committee therefore recommends that Liquor & Gaming NSW allow an individual licensing conditions to be reviewed in isolation of other licensing conditions.

Recommendation 46

That Liquor & Gaming NSW allow an individual licensing condition to be reviewed in isolation of other licensing conditions.

Duplication of liquor licensing and development consent processes and conditions

- 7.28** Inquiry participants expressed frustration at the red tape caused by the duplication of certain liquor licensing and development consent processes and conditions. According to Mr Karl Schlothauer, President of the NSW Independent Bars Association, the crux of the concern is that the regulatory responsibilities of the agencies are becoming increasingly blurred:

Over the past 10 years of owning and operating bars and being one of the first to open a small bar with the initial liquor reforms, I have seen firsthand the landscape change and the regulatory framework get more and more complex. For example, my understanding is council uses planning controls and DCPs to make decisions, Liquor and Gaming use the Liquor Act to make decisions and police enforce those decisions. But what I have witnessed and continue to witness is that line now is completely blurred.

Councils are making decisions and enforcing conditions that fall outside of that; Liquor and Gaming are following this lead; then police are making contributions to both the council and Liquor and Gaming decision-making process rather than enforcing decisions already made.⁶¹⁹

7.29 Mr Schlothauer explained that this duplication is affecting the commercial viability of venues and making it difficult for operators to understand how the system works:

This [duplication] results in a direct impact on the commercial viability of a venue. Conditions being placed on liquor licences and council development consents, which are not clearly and easily referenced in any legislation, make it almost impossible to get a clear understanding of how the system works.⁶²⁰

7.30 Many inquiry participants noted that this duplication was particularly frustrating in relation to noise regulations.⁶²¹ Noise is examined in Chapter 8.

7.31 The City of Sydney identified the key concerns arising out of the duplication with liquor licence and development consent processes and conditions:

- the dual systems are confusing for applicants to navigate and for the community to participate
- development applications and liquor licence applications are often undertaken consecutively, not in parallel or in an integrated fashion, resulting in significant timeframes for the establishment of a business
- the lack of transparency and consultation in the liquor licence assessment process can cause uncertainty for businesses and the community
- government staff are required to review and comment on both the development and liquor licence applications
- conditions can sometimes be contradictory or not well aligned
- approved liquor licence hours are often contradictory to the development consent

⁶¹⁹ Evidence, Mr Karl Schlothauer, President, NSW Independent Bars Association, 24 August 2018, p 46. Also see, Evidence, Mr John Green, Director, Liquor and Policing, Australian Hotels Association NSW, 24 August 2018, p 37; Submission 252, Sydney Small Bars, p 2; Submission 379, Century Venues, pp 5-6.

⁶²⁰ Evidence, Mr Karl Schlothauer, President, NSW Independent Bars Association, 24 August 2018, p 46.

⁶²¹ Evidence, Mr John Green, Director, Liquor and Policing, Australian Hotels Association NSW, 24 August 2018, p 36; Evidence, Mr Anthony Trimarchi, Manager, Policy and Government, ClubsNSW, 24 August 2018, p 15; Mr John Wardle, Live Music Consultant, APRA AMCOS and the Live Music Office, 26 March 2018, p 53; Submission 246, City of Sydney, p 11.

- lack of clarity on how decisions are being made
- lack of public awareness of the approval process.⁶²²

7.32 The committee received evidence from venue operators discussing the challenges of receiving approvals to operate live music venues and detailing some of the licensing conditions that they are required to trade under. The case study below discusses the challenges faced by Ms Ann Martin and the other operators of The Servo Food Truck Bar prior to opening.

Case study: The Servo Food Truck Bar⁶²³

In early 2018, the Servo Food Truck Bar opened in Port Kembla. Prior to opening the venue, the operators lodged a development application (DA) with Wollongong City Council, and subsequently made a submission for an on-premises liquor licence to Liquor & Gaming NSW.

Both the DA and liquor licence submission were forwarded to the police for comment.

Ms Ann Martin, one of the venue operators, said the council did a really good job of assessing the DA on its merits and had placed quite comfortable conditions on trading hours and security.

However, while Ms Martin was reasonably happy with the conditions of the liquor licence, she had found the local licensing police remarkable in their negativity towards the venue, informing the operators: "We will do whatever we can to make sure you do not get a liquor licence. You will have four security guards all the time and there will be no rock music, only jazz trios."

Despite having met with the liquor licensing staff for quite some time to work through some concerns, other licensing conditions included no mirror balls, no DJ desk or dancefloor and a prohibition on operating past 10.00 p.m. without a security guard. Ms Martin said that the 'no dance floor or DJ' condition had presumably been recommended by the police, as it was not part of the council consent for the development application. Ms Martin was horrified at by the way that she and the other venue operators were treated.

7.33 The case study below notes the difficulties Ms Chau Tran faced prior to opening Burrow Bar in Sydney's CBD.

Case study: Burrow Bar⁶²⁴

Burrow Bar in Sydney's CBD has a 60 seat capacity and operates under a small bar licence. Ms Chau Tran, Owner and Operator of Burrow Bar, wanted the venue to have a neighbourhood vibe thus provides table service and has one staff member per 10 patrons.

Following the submission of their liquor licensing application, Ms Chau and her business partner met with licensing police who informed them that as the venue is situated in an area known as the 'angry mile', that is, it is between Scruffy Murphy's and Jackson's on George Street, it would be considered to be a small nightclub.

⁶²² Submission 246, City of Sydney, p 15. Also see, Evidence, Ms Linda Scott, President of Local Government NSW, 26 March 2018, p 23; Evidence, Mr John Wardle, Live Music Consultant, APRA AMCOS and the Live Music Office, 14 September 2018, p 3; Evidence, Mr John Green, Director, Liquor and Policing, Australian Hotels Association NSW, 24 August 2018, p 36.

⁶²³ Evidence, Ms Ann Martin, Artist Planner and Cultural Planner, 4 July 2018, p 12 and p 13.

⁶²⁴ Evidence, Ms Chau Tran, NSW Independent Bars Association, 24 August 2018, pp. 46-50.

Initially, the police proposed not supporting the liquor licence application for Burrow Bar. Amongst the cited reasons for this stance, the operators were informed that there are too few people in the city to support the number of licensed venues.

Liquor & Gaming NSW proposed that the 26 concerns raised by police about the application be included as conditions on Burrow Bar's liquor licence. In response, Ms Chau and her business partner conducted painstaking research to refute the concerns raised by the police, essentially becoming experts in transport, planning and liquor regulation. Ultimately, their efforts paid off as they were able to overturn 20 of the conditions. However, the venue is still prohibited from hosting live entertainment and having amplified music, and is not allowed to have a dance floor.

Proposals to remove duplication from liquor licensing and development consent processes and conditions

7.34 Stakeholders overwhelmingly supported proposals to simplify the regulatory environment for licenced venues that host live music. Fundamental to this approach is streamlining liquor licensing approvals and minimising duplication with development consent processes and conditions.⁶²⁵

7.35 Stakeholders proposals to streamline and harmonise liquor licensing and development consent processes included:

- appointing a single agency to manage land use for live music while maintaining a role for Liquor & Gaming NSW in providing probity checks for licensees⁶²⁶
- introducing an 'Easy to Do Culture' initiative, similar to the 'Easy to Do Business' initiative, to streamline processes and activate a vibrant and diverse music and arts culture across the state⁶²⁷
- creating a single point of contact, such as a help desk, online platform or similar, to deliver case management services for live music venues, including assistance in navigating the planning, building assessment and liquor licensing system, and providing a collaborative and coordinated process to assist in preparing applications⁶²⁸
- implementing an integrated application process for liquor licensing and development applications⁶²⁹
- enabling community impacts to be concurrently assessed and approved in both development and liquor licensing applications, particularly in cases where cultural benefit and low impact can be demonstrated.⁶³⁰

7.36 Other complimentary proposals included:

⁶²⁵ Evidence, Ms Lind Scott, President, Local Government NSW, 26 March 2018, p 22; Submission 241, City of Parramatta, p 2.

⁶²⁶ Evidence, Mr John Wardle, Live Music Consultant, APRA AMCO, Live Music Office, 14 September 2018, p 3.

⁶²⁷ Submission 237, Local Government NSW, p 6.

⁶²⁸ Submission 283, Live Music Office, p 16; Submission 237, Local Government NSW, p 9.

⁶²⁹ Submission 281, Wollongong City Council, p 4.

⁶³⁰ Submission 237, Local Government NSW, p 9.

- establishing an independent music and arts committee, like the Retail Expert Advisory Committee established by the Department of Planning and Environment, that can provide feedback on music and the arts planning reforms⁶³¹
- re-balancing the public interest test in licensing and planning processes to provide an equal opportunity for the positive contributions that licensed premises make to the community and economy⁶³²
- ensuring liquor licensing conditions for live music and performance venues consider the nature of these venues and their contribution to the cultural life of the community⁶³³
- reducing cost of applying for and renewing an on-premises liquor licence from the current \$700.00 fee to \$350.00 in line with what is paid for a small bar licence and comparable licence fees across other Australian jurisdictions.⁶³⁴

7.37 Local Government NSW observed that the proposed upcoming review of the *Liquor Act 2007* may present an opportunity to simplify liquor licensing approvals.⁶³⁵

7.38 The committee also heard that it is crucial for venue operators to foster positive relationships with regulatory bodies. For example, Mr Jeb Taylor, Owner of Famer and the Owl, stated:

I think it is all about relationships and keeping working on those relationships to try to bring people around to what you are doing, whether it is licensing or council. You need to remind them that you are here to provide something for the community, not to annoy anybody. Hopefully, eventually they will get on board with that.⁶³⁶

7.39 Mr Smith noted the importance of having the Live Music Office to provide advice to businesses as they navigate their way through these systems.⁶³⁷

NSW Government response to addressing duplication

7.40 The NSW Government acknowledged that there is unnecessary red tape in the regulatory framework for licenced venues. For example, Mr Paul Newson, Deputy Secretary of Liquor and Gaming NSW, advised:

... there is unwanted duplication. I would probably say it even rises to a level of clumsiness between planning laws and liquor laws when it comes to the level of consultation required and often the friction between council development approval [DA] position and approvals and then the liquor regulator's position.⁶³⁸

⁶³¹ Submission 241, City of Parramatta, p 4.

⁶³² Submission 283, Live Music Office, p 32.

⁶³³ Submission 237, Local Government NSW, p 10.

⁶³⁴ Submission 264, Restaurant and Catering Australia, p 8.

⁶³⁵ Submission 237, Local Government NSW, p 9.

⁶³⁶ Evidence, Mr Jeb Taylor, Owner, Famer and the Owl, 4 July 2018, p 20.

⁶³⁷ Evidence, Mr Adam Smith, Owner, Yours and Owls, 4 July 2018, pp 19-20.

⁶³⁸ Evidence, Mr Paul Newson, Deputy Secretary, Liquor & Gaming NSW and Office of Racing, 14 September 2018, p 24.

- 7.41** The NSW Government recognised that there are opportunities to streamline the liquor licensing and development consent processes. Mr Newson stated that the government is 'aspiring to ensure further development in the alignment of planning and liquor laws'.⁶³⁹ He added: 'We want to realise more economy and more efficiency'.⁶⁴⁰
- 7.42** Likewise, Ms Alison Frame, Deputy Secretary for Policy and Strategy at the NSW Department of Planning and Environment, advised that the NSW Department of Planning and Environment and the Office of Liquor, Gaming and Racing are collaborating to 'create some improvements' in the way the development consent and licensing applications work together'.⁶⁴¹ Ms Frame continued:
- From a high level principal perspective, we happily attest that we do everything we can to reduce and eliminate duplication of conditions, and often it can eventuate in some contradictory conditions as well, so it is not a sensible regulatory approach to have that overlap and increase uncertainty and then create concern about which condition prevails. In our discussions with the Office of Liquor, Gaming and Racing, we would be looking at any conditions or examples where that was an issue with our principal view of looking to reduce and eliminate that.⁶⁴²
- 7.43** Ms Frame suggested that recent reforms streamlining the development consent and licensing requirements for childcare centres, cafes and restaurants may offer a precedent for cutting the red tape associated with live music venues.⁶⁴³

Committee comment

- 7.44** The committee acknowledges that the complexity and duplication of the liquor licensing and development consent processes are hampering the live music industry in New South Wales.
- 7.45** While the government has expressed a willingness to consider measures to address these issues, and the committee has on several occasions been advised that discussions are in progress, no action has been taken to date.
- 7.46** The committee notes the need for a sensible licensing and compliance regime that ensures that hosting live music and other cultural activities as simple as possible. We believe that the Live Music Roundtable recommended in Chapter 2 will provide a forum for these kinds of issues to be discussed and resolved.
- 7.47** The committee notes that the duplication of licensing and consent conditions and processes frustrates stakeholders and hampers the development of a thriving live music scene in

⁶³⁹ Evidence, Mr Paul Newson, Deputy Secretary, Liquor & Gaming NSW and Office of Racing, 26 March 2018, p 12.

⁶⁴⁰ Evidence, Mr Paul Newson, Deputy Secretary, Liquor & Gaming NSW and Office of Racing, 26 March 2018, p 12.

⁶⁴¹ Evidence, Ms Alison Frame, Deputy Secretary for Policy and Strategy, NSW Department of Planning and Environment, 14 September 2018, p 30.

⁶⁴² Evidence, Ms Alison Frame, Deputy Secretary for Policy and Strategy, NSW Department of Planning and Environment, 14 September 2018, p 32.

⁶⁴³ Evidence, Ms Alison Frame, Deputy Secretary for Policy and Strategy, NSW Department of Planning and Environment, 14 September 2018, p 30.

New South Wales. We concur with the suggestion that the roles and responsibilities of the various regulatory agencies and local government are the source of much of this overlap and red tape. The committee recommends that, as a matter of priority, the NSW Government remove the duplication of regulatory and compliance responsibilities from multiple government agencies and local 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.

7.48 The committee further recommends that Liquor and Gaming NSW, the NSW Department of Planning and Environment, the Office of the Small Business Commissioner, and local governments collaborate with the music industry to develop an 'Easy to Do Culture' initiative, similar to the 'Easy to Do Business' initiative pursued by Service NSW, which:

- investigates opportunities to combine the development consent and licensing requirements for cultural venues, particularly live music venues
- establishes a single point of contact, such as a help desk or online platform, to deliver case management services for live music venues, including assistance in navigating the planning, building assessment and liquor licensing system, and providing a collaborative and coordinated process to assist in preparing applications
- develops an integrated application process for liquor licensing and development applications that removes duplication in processes
- makes available real time tracking of licensing applications on the appropriate website.

Recommendation 48

That Liquor and Gaming NSW and the NSW Department of Planning and Environment collaborate with the music industry to develop an 'Easy to Do Culture' initiative, similar to the 'Easy to Do Business' initiative, pursued by Service NSW, which:

- combines the development consent and licensing requirements for cultural venues, particularly live music venues
 - establishes a single point of contact, such as a help desk or online platform, to deliver case management services for live music venues, including assistance in navigating the planning, building assessment and liquor licensing system, and providing a collaborative and coordinated process to assist in preparing applications
 - develops an integrated application process for liquor licensing and development applications that removes duplication in processes
 - makes available real time tracking of licensing applications on the appropriate website.
-

Police involvement in liquor licensing processes

7.49 Concerns about police involvement in liquor licencing processes fell into two categories: first, that police consistently oppose applications, or propose undue entertainment restrictions, rather than considering each application on its merits; and second that licensed premises are subject to over policing.

7.50 The NSW Independent Bars Association provided examples of instances it argued demonstrates that police are not considering licensing applications on a case-by-case basis. A member of the organisation stated:

Newtown Police are by far more favourable than others I have dealt with, but even they directly told us that their approach to all liquor applications is to oppose. They see the solution to any problem as reducing or limiting the number of venues, regardless of what kind of venue it may be, or what your trading history may be.⁶⁴⁴

7.51 Mr John Wardle, Live Music Consultant at APRA AMCOS and the Live Music Office, said that it is unclear whether police always refuse liquor licence variations, and questioned what methods are used to determine whether venues are a risk. However, he observed: 'I have councils coming to me and saying, "We've got police looking at putting no entertainment conditions on licence applications because we are concerned that they are going to morph into nightclubs."'⁶⁴⁵

7.52 Mr Wardle explained that the matter is further complicated by the fact that development applications are not required for venues providing ancillary entertainment, which conflicts with police suggesting no entertainment provisions:

But then we have the planning Minister in the *Sydney Morning Herald* last year, Anthony Roberts, saying, "Venues need no planning separate approval to have live entertainment." On the development application [DA], the law reforms of 2009, entertainment is ancillary to your hospitality industry consent. But then we have police saying, when those applications are coming through, saying, "No entertainment".⁶⁴⁶

7.53 The committee heard that this was the experience of Lazy Bones Lounge in Marrickville, in Sydney's inner west. The case study below discusses these concerns.

⁶⁴⁴ Submission 252, NSW Independent Bars Association (formerly NSW Small Bars), p 2.

⁶⁴⁵ Evidence, Mr John Wardle, Live Music Consultant, APRA AMCOS and the Live Music Office, 26 March 2018, p 55.

⁶⁴⁶ Evidence, Mr John Wardle, Live Music Consultant, APRA AMCOS and the Live Music Office, 26 March 2018, p 55.

Case study: Lazy Bones Lounge

Lazy Bones Lounge is a restaurant and bar that hosts live music seven nights a week in Marrickville, in Sydney's inner west.⁶⁴⁷

Amongst other licensing, Lazy Bones Lounge has an on-premises liquor licence to trade as a restaurant, and hold live music performances until 12.30 am.⁶⁴⁸

As at May 2018, the police were investigating whether Lazy Bones Lounge was operating primarily as a restaurant as pursuant with the *Liquor Act 2007*.⁶⁴⁹ It was suggested that local licensing police are unfairly targeting Lazy Bones Lounge for potential licence breaches due to the lack of clarity as to whether live entertainment at the venue is ancillary to its primary purpose as a restaurant.⁶⁵⁰

The NSW Police outlined some of its concerns:

- the venue does not operate as restaurant that provides ancillary live entertainment, rather it routinely hosts a range of live music acts and requires guests to pay a cover charge or pre-pay for tickets which is more consistent with a public entertainment venue
- music in the venue is played at such levels that clear conversation is not able to be had with staff or other patrons
- the venue is not set up as per the plans provided in its development consent which had 'a dining room set up', rather the second-floor bar is configured as a performance space with low lying lounges surrounding an open plan area in front of the bar and stage
- the venue is not promoting or providing the required level of food sales consistent with restaurant operations.⁶⁵¹

The police proposed that that premises should be considered a live entertainment venue rather than a restaurant for its liquor licence.⁶⁵²

Lazy Bones Lounge refuted claims that the venue does not operate primarily as a restaurant, citing its rostered chefs and menu as evidence that the venue is a restaurant. Additionally, the operators contested the claims about the venue layout and the provision of music.⁶⁵³

⁶⁴⁷ LazyBones Lounge, *About Us*, <http://lazyboneslounge.com.au/#about>.

⁶⁴⁸ Correspondence from Ms Alexandra Heffernan to committee, received 29 May 2018. Attachment – Liquor Licence LIQO624007703.

⁶⁴⁹ Correspondence from Ms Alexandra Heffernan to committee, received 29 May 2018. Attachment – Correspondence from Senior Constable Sian Morganto, Inner West Police Area Command, to Mr Atalay Bas, General Manager, Development Applications, Inner West Council, 18 April 2018, p 4.

⁶⁵⁰ Evidence, Mr John Wardle, Live Music Consultant, APRA AMCOS and the Live Music Office, 26 March 2018, p 54.

⁶⁵¹ Correspondence from Ms Alexandra Heffernan to committee, received 29 May 2018. Attachment – Correspondence from Senior Constable Sian Morganto, Inner West Police Area Command, to Mr Atalay Bas, General Manager, Development Applications, Inner West Council, 18 April 2018, pp 1-4.

⁶⁵² Correspondence from Ms Alexandra Heffernan to committee, received 29 May 2018. Attachment – Correspondence from Senior Constable Sian Morganto, Inner West Police Area Command, to Mr Atalay Bas, General Manager, Development Applications, Inner West Council, 18 April 2018, p 5.

⁶⁵³ Correspondence from Ms Alexandra Heffernan to committee, received 29 May 2018. Attachment – 'LBs refute the police submissions'.

- 7.54** The Live Music Office, the Sydney Fringe Festival and Century Venues suggested that an independent analysis of policing approaches to licensing for live music venues and events be undertaken to determine whether this concern can be validated with empirical evidence.⁶⁵⁴
- 7.55** Stakeholders acknowledged the important role police play in keeping venues and patrons safe. However, there was some concern about police applying heavy handed tactics when policing venues. For example, Ms Justine Baker, Chief Executive Officer of Solotel, said police regularly conduct drug searches in venues during peak trading times:
- The local area police do a great job in keeping communities safe, but we question whether this needs to extend to such a heavy and prolific role in our well-run venues. We regularly have drugs searches, with dogs, 16 or so police that visit our venues, and I am sure you would be aware of these venues that are not high risk: the Clovelly Hotel, the Golden Sheaf Hotel, and the Clock Hotel. We have 16 uniform police for drugs coming to search our customers at 7.30 p.m. or eight o'clock at night while they are eating a rump steak.⁶⁵⁵
- 7.56** Ms Baker added: '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'.⁶⁵⁶
- 7.57** As discussed in Chapter 2, in Victoria, the police are involved in the Live Music Roundtable, which provides an opportunity for organisation to have a more nuanced understanding of the industry, and, according to Ms Helen Marcou, Co-Founder, Save Live Australia's Music, has seen a reduction in the number of compliance visits to venues.⁶⁵⁷
- 7.58** However, in New South Wales there is no direct or ongoing relationship between police and the music industry.⁶⁵⁸ The police do however, meet with promoters of music events, particularly those that carry a risk.⁶⁵⁹
- 7.59** Liquor & Gaming NSW responded to stakeholders' concerns. In the first instance, Mr Newson noted that Liquor & Gaming NSW have on occasion not included proposed conditions submitted by the police.⁶⁶⁰
- 7.60** Moreover, in response to the suggestion that police were unfairly targeting venues to prevent them from 'morphing' into nightclubs, Mr Newson advised that this is a genuine concern as venues request an on-premise restaurant licence and then operate more as nightclubs:

⁶⁵⁴ Submission 283, Live Music Office, pp 7-8; Submission 261, Sydney Fringe Festival, p 4; Submission 379, Century Venues, p 6.

⁶⁵⁵ Evidence, Ms Justine Baker, Chief Executive Officer, Solotel, 26 March 2018, p 40.

⁶⁵⁶ Evidence, Ms Justine Baker, Chief Executive Officer, Solotel, 26 March 2018, p 44.

⁶⁵⁷ Evidence, Ms Helen Marcou, Co-Founder, Save Live Australia's Music, 28 May 2018, p 32.

⁶⁵⁸ Evidence, Mr Mark Walton, Assistant Commissioner, NSW Police Force, 28 May 2018, p 14.

⁶⁵⁹ Answers to questions on notice, NSW Police Force, 9 July 2018, p 3.

⁶⁶⁰ Evidence, Mr Paul Newson, Deputy Secretary, Liquor & Gaming NSW and Office of Racing, 26 March 2018, p 13.

... there is a small number of venues that access an on-premises restaurant licence ... They are the most accessible, the most churned—hundreds a year, very easy to obtain. They represent that it is going to be a genuine restaurant, but in reality we use the term it "morphs" into a nightclub.⁶⁶¹

- 7.61** Similarly, Ms Frame observed that it is challenging when venues act outside of consent conditions: 'Certainly from a planning system perspective that is not a good scenario where the community are confronted with uses that are different to what was actively considered in the first instance with the planning approval being sought'.⁶⁶²

Committee comment

- 7.62** The committee acknowledges the important role the NSW Police Force plays in protecting the community. We note that as part of the response to the night-time economy taskforce, the police will continue to liaise closely with industry stakeholders to support a safe night-time economy.
- 7.63** As discussed in Chapter 2, the committee has proposed that a Live Music Roundtable be established. We believe this forum will provide an opportunity for more open and responsive dialogue between the police and music industry stakeholders.

Live music licence

- 7.64** The Live Music Office suggested that there would be value in developing a live music venue liquor licence. The Live Music Office argued that this type of licence could encourage the establishment of live music venues.⁶⁶³ The Live Music Office detailed how the proposed licence would operate:

This [licence] would also have 2 am standard operational baseline hours to respond to industry programming and consumer demand and align with the small bar standard conditions ...

This could apply to:

1. Premises in respect of which the primary business or activity is the provision of entertainment to members of the public by a person who is physically present on the premises and is actually providing the entertainment.

2. "live entertainment" means—

(a) Event at which a person is employed or engaged to play music (live or pre-recorded);
or

⁶⁶¹ Evidence, Mr Paul Newson, Deputy Secretary, Liquor & Gaming NSW and Office of Racing, 14 September 2018, p 23.

⁶⁶² Evidence, Ms Alison Frame, Deputy Secretary for Policy and Strategy, NSW Department of Planning and Environment, 14 September 2018, p 30.

⁶⁶³ Submission 283, Live Music Office, p 37.

(b) A performance at which the performers, or at least some of them, are present in person; or

(c) A performance of a kind declared by regulation to be live entertainment;

3. Additional indicators of primary purpose live music arts and cultural presentation would comprise ticketing for events, APRA AMCOS licensing, involvement in festivals as well as previous operating history.⁶⁶⁴

Committee comment

- 7.65** The committee is supportive of reasonable proposals that will facilitate venue-based live music in New South Wales. We believe a live music liquor licence, similar to the type that available in Victoria, could encourage the establishment of these types of venues. We therefore recommend that the NSW Government adopt a live music venue liquor licence.

Recommendation 49

That the NSW Government introduce live music venue liquor licences.

⁶⁶⁴ Submission 283, Live Music Office, p 37.

Chapter 8 Noise

This chapter outlines noise regulations affecting live music venues in New South Wales. It then examines stakeholders' concerns about the impact of noise complaints on live music venues and the complexities of the noise complaints resolution system. The chapter also considers inquiry participants' proposals to address noise regulations.

Noise regulations

- 8.1** Entertainment venues, particularly those featuring live music, by their very nature emit sound. Noise regulations seek to limit excessive noise, its frequency characteristics, and its effect on both residential and noise sensitive commercial operations from entertainment venues and other licensed premises.
- 8.2** In New South Wales, noise complaints from licensed venues are primarily managed by Liquor & Gaming NSW, local councils and the NSW Police Force. Police are typically the main agency for control of noise during the night-time, or where the safety of officers may be a concern or where council officers may not be available.⁶⁶⁵
- 8.3** Other agencies with regulatory responsibilities for noise, albeit in a more limited capacity regarding entertainment noise, include: the NSW Environment Protection Authority; Roads and Maritime Services (RMS), the NSW Department of Planning and Environment, and Property NSW.⁶⁶⁶
- 8.4** *The Protection of the Environment Operations Act 1997* and the Protection of the Environment Operations (Noise Control) Regulation 2008 provide the main legal framework and basis for managing unacceptable noise. Key features of the Act for this inquiry include:
- section 6 identifies the authority responsible for regulating noise
 - the Dictionary defines 'noise' and 'offensive noise'
 - provides a range of regulatory tools to manage noise, including Noise Control Notices, Prevention Notices, Noise Abatement Directions and Noise Abatement Orders
 - makes it an offence to breach the conditions of a Notice, Direction or Order.⁶⁶⁷
- 8.5** The City of Sydney explained that the *Protection of the Environment Operations Act 1997* includes a subjective test for offensive noise:

The POEO Act [*Protection of the Environment Operations Act 1997*] has a subjective test for offensive noise, and defines it as any noise that, because of its nature, level, character, quality or time could be considered as harmful or likely to be harmful to a person outside the premises, or interferes unreasonably with or is likely to interfere unreasonably with, the comfort or repose of a person who is outside the premises. Offensive noise can be

⁶⁶⁵ NSW EPA, *Noise guide for local government*, May 2013, p 1.27.

⁶⁶⁶ Answers to supplementary questions on notice, NSW Government, 2 May 2018, pp 19-21.

⁶⁶⁷ NSW EPA, *Noise guide for local government*, May 2013, p 1.6.

assessed without a scientific noise measurement and without considering the noise level set by a development consent, which has undergone a thorough assessment.⁶⁶⁸

- 8.6** In addition, if conditions in the development consent relating to noise have been breached, council (or any other person) could act under the *Environmental Planning and Assessment Act 1979*.
- 8.7** The City of Sydney reported that in 2012, less than 4 per cent of noise complaints received by the council emanated from live music venues.⁶⁶⁹
- 8.8** In accordance with the *Liquor Act 2007*, Liquor & Gaming NSW has a role in managing disturbance complaints where it is alleged the 'quiet and good order of the neighbourhood of a licensed premises are being unduly disturbed'.⁶⁷⁰ A disturbance complaint can be lodged by three or more local residents, the police, local council, a person who satisfies the Director that their financial or other interests are adversely affected by the licensed premises.
- 8.9** In accordance with s 81(3)(a), *Liquor Act 2007* the Secretary of the Department of Industry must consider the order of occupancy between the licensed premises and the complainant when considering disturbance complaints. Acoustic experts may be engaged to attend the premises at the centre of the complaint.⁶⁷¹ Matters are usually dealt with at a conciliation conference between the licensee or secretary and the complainant. The local police and local council are also invited to attend, along with any party who has a financial interest in the premises.⁶⁷²
- 8.10** Liquor & Gaming may place impose additional noise abatement conditions on a licence following a noise complaint.⁶⁷³ These conditions can include: noise conditions; prohibition on amplified entertainment; requirement for acoustic testing and amelioration work; provision of licensed security; restriction on time of entry to the premises.⁶⁷⁴
- 8.11** In 2017, Liquor & Gaming NSW dealt with seven noise complaints.⁶⁷⁵

⁶⁶⁸ Submission 246, City of Sydney, p 11.

⁶⁶⁹ Submission 246, City of Sydney, Attachment 5, *City of Sydney, Live Music and Performance Action Plan*, (2014), p 14.

⁶⁷⁰ s 79, *Liquor Act 2007*. Also see, Evidence, Mr Paul Newson, Deputy Secretary, Liquor & Gaming NSW and Office of Racing, 14 September 2018, p 21.

⁶⁷¹ Evidence, Mr Paul Newson, Deputy Secretary, Deputy Secretary, Liquor & Gaming NSW and Office of Racing, 14 September 2018, p 25.

⁶⁷² NSW EPA, *Noise guide for local government*, May 2013, p 1.10.

⁶⁷³ s 81(2)(a), *Liquor Act 2007*.

⁶⁷⁴ NSW EPA, *Noise guide for local government*, May 2013, p 1.10.

⁶⁷⁵ Evidence, Mr Paul Newson, Deputy Secretary, Liquor & Gaming NSW and Office of Racing, 14 September 2018, p 23.

Noise complaints

- 8.12** Noise complaints appeared to be an omnipresent threat for creative venues, particularly licenced premises. Indeed, many inquiry participants relayed experiences of either venues or performances being subject to a noise complaint.⁶⁷⁶
- 8.13** A prominent concern was that the noise complaints framework does not adequately consider the order of occupancy and favours the complainant.⁶⁷⁷ This was considered especially problematic in gentrifying urban environments where new residents may complain about noise from long-standing live music venues.⁶⁷⁸
- 8.14** Councillor Darcy Byrne, Mayor of Inner West Council, observed: 'It is an Australian cliché to talk about the person who moves in next door to a pub and then complains about the noise'.⁶⁷⁹ Councillor Byrne noted that the experience of the Annandale Hotel, once an icon of Sydney's live music scene, was an example of this concern.⁶⁸⁰
- 8.15** The committee heard from many venue operators who expressed concern that noise complaints from nearby residents could put them at risk of breaking their operating conditions and, ultimately, closure.⁶⁸¹ For example, Ms Justine Baker, Chief Executive Officer of Solotel Group, told the committee that residents in new apartment blocks near the Albion Hotel in Parramatta had made noise complaints, and feared this could lead to live music being stopped at the venue.⁶⁸²
- 8.16** Similarly, Mr John Green, Director of Liquor and Policing at the Australian Hotels Association NSW, noted that the Harold Park Hotel in Sydney was subject to a noise complaint from a resident in a new development of townhouses.⁶⁸³ The complaint caused the hotel to temporarily stop its live music program on Sunday afternoons.⁶⁸⁴

⁶⁷⁶ Evidence, Mr Luke Mooney, The Rails, 31 July 2018, p 43; Evidence, Mr Jack Lincoln, Artist, 4 July 2018, p 16; Evidence, Mr Adam Smith, Owner, Yours and Owls Café, 4 July 2018, p 19; Evidence, Mr Rod Laing, Chief Executive Officer, Wests Entertainment Group, 23 August 2018, p 2.

⁶⁷⁷ Evidence, Mr Anthony Trimarchi, Manager, Policy and Government, ClubsNSW, 24 August 2018, p 15.

⁶⁷⁸ Evidence, Clr Declan Clausen, Deputy Mayor, Newcastle City Council, 23 August 2018, p 2; Submission 36, The Darlinghurst Business Partnership, p 1.

⁶⁷⁹ Evidence, Clr Darcy Byrne, Mayor, Inner West Council, 28 May 2018, p 2.

⁶⁸⁰ Evidence, Clr Darcy Byrne, Mayor, Inner West Council, 28 May 2018, p 4.

⁶⁸¹ Evidence, Mr Brian Lizotte, Owner, Lizotte's Restaurant, 23 August 2018, p 16; Evidence, Mr Rod Laing, Chief Executive Officer, Wests Entertainment Group, 23 August 2018, p 2; Evidence, Mr Robert Deacon, Manager, Bombie Bar, 4 July 2018, p 25.

⁶⁸² Evidence, Ms Justine Baker, Chief Executive Officer of Solotel Group, 26 March 2018, p 43.

⁶⁸³ Evidence, Mr John Green, Director of Liquor and Policing, Australian Hotels Association NSW, 24 August 2018, p 36.

⁶⁸⁴ Evidence, Mr John Green, Director of Liquor and Policing, Australian Hotels Association NSW, 24 August 2018, p 36.

Case study: Lowlands Bowling Club⁶⁸⁵

Music teacher Ms Jane Jelbart, taught a ukulele class outside on the underutilised bowling green of the Lowlands Bowling Club. The average age of the class was 65, with members of the community wanting to engage in alfresco music classes.

On a Monday night at 5.30 pm, the club received a noise complaint by a local resident, known to the club. Following the noise complaint, the outside ukulele classes could no longer take place.

- 8.17** Mr Brian Lizotte, Owner of Lizotte's Restaurant, a restaurant and live performance venue in Newcastle, told the committee that his previous live music venues in Kincumber on the Central Coast and Dee Why in Sydney had been subject to noise complaints for years, most of which had come from a single vexatious complainant in both cases.⁶⁸⁶ Mr Lizotte said that noise complaints can cause significant stress for venue operators as they could result in the venue being shut down.⁶⁸⁷
- 8.18** Likewise, Mr Ian Lobb, Owner and Licensee of The Lass O'Gowrie, a live music venue in Newcastle stated: 'We have had noise complaints. We did have one a couple of years ago, where a resident moved in across the road and took offence at the noise of the bands ... Our last noise complaint was on Anzac Day at 7.30 pm'.⁶⁸⁸ Mr Lobb noted that noise complaints can have significant consequences for venues, saying that it is important to address concerns quickly otherwise operators may be 'hammered' by the licensing police.⁶⁸⁹
- 8.19** Inquiry participants informed the committee that noise complaints can trigger more stringent licensing conditions, including restrictions and prohibitions of live music at venues.⁶⁹⁰ For example, Mr Rod Laing, Chief Executive Officer of Wests Entertainment Group, told the committee that a noise complaint in the 1990's resulted in the licensing conditions at West Tamworth League Club being amended to require a noise monitor be installed in the club's central performance space.⁶⁹¹ The case is examined in the case study below.

⁶⁸⁵ Evidence, Mr Anthony Trimarchi, Manager, Policy and Government, ClubsNSW, 24 August 2018, p 16. Also see, Mr Tim Connell, 'Ukulele class prompts Cooks Hill Noise Complaint', *Newcastle Herald*, 3 April 2017, <https://www.theherald.com.au/story/4573807/rockin-bowlo-aint-noise-pollution-says-teacher/>.

⁶⁸⁶ Evidence, Mr Brian Lizotte, Owner, Lizotte's Restaurant, 23 August 2018, p 16.

⁶⁸⁷ Evidence, Mr Brian Lizotte, Owner, Lizotte's Restaurant, 23 August 2018, p 16.

⁶⁸⁸ Evidence, Mr Ian Lobb, Owner and Licensee of The Lass O'Gowrie, 23 August 2018, p 12.

⁶⁸⁹ Evidence, Mr Ian Lobb, Owner and Licensee of The Lass O'Gowrie, 23 August 2018, p 12.

⁶⁹⁰ Evidence, Mr Anthony Trimarchi, Manager, Policy and Government, ClubsNSW, 24 August 2018, p 17.

⁶⁹¹ Evidence, Mr Rod Laing, Chief Executive Officer, Wests Entertainment Group, 23 August 2018, p 2.

Case study: West Tamworth League Club⁶⁹²

The West Tamworth League Club has hosted some of the biggest names in Australian music, including INXS, Jimmy Barnes, Eurogliders, Divinyls and Sheppard, in its auditorium, Blazes.

Following a vexatious noise complaint from a single local resident in the early 1990's, the club was required by the Licensing Court to install a noise monitor in Blazes. The monitor receives decibel readings from the stage and once it reaches a certain reading the power cuts out. Unsurprisingly, this results in a very poor music experience for the audience and the artists find it frustrating.

Despite Wests having spent considerably large amounts of money soundproofing Blazes with double-glazed windows and insulation, the monitor remains in the licensing conditions for the venue. Wests has attempted to have the condition removed on three occasions. However, Mr Rod Laing, Chief Executive Officer of Wests Entertainment Group, said that any further attempts to amend the condition will be costly and time-consuming. Moreover, it is not guaranteed that the condition would be removed by the regulators.

Following on, Mr Laing said that Wests is considering a non-entertainment direction at Blazes, which is disappointing as the room has been iconic to Tamworth.

- 8.20** The committee also heard that sometimes a complaint may lead to licensing conditions restricting live music, but not recorded music. This was the experience of The Rails, a live music venue in Byron Bay, and is detailed in the case study below.

Case study: The Rails⁶⁹³

The Rails in Byron Bay is perhaps the longest continual live music venue in the country and has been programming performances for 36 years.

Approximately 20 years ago a local resident made numerous noise complaints in relation to the live music offered at The Rails. In response, the venue was required to cease playing live music at 9.30 pm at which time recorded music could be played. Over time the licensing condition has been amended to allow live music until 10 pm with certain exemptions.

- 8.21** Stakeholders suggested that the dealing with noise complaints and sometimes forces venues to close.⁶⁹⁴ The committee heard that this was the experience of former Play Bar operators Mr Daniel Robertson and Ms Sarah Vuong, who experienced significant distress due to a serial noise complainant. Their experiences are discussed in the case study below.

⁶⁹² Evidence, Mr Rod Laing, Chief Executive Officer, Wests Entertainment Group, 23 August 2018, pp 2-6.

⁶⁹³ Evidence, Mr Luke Mooney, The Rails, 31 July 2018, p 44.

⁶⁹⁴ Evidence, Mr Anthony Trimarchi, Manager, Policy and Government, ClubsNSW, 24 August 2018, p 16.

Case study: Play Bar⁶⁹⁵

Mr Daniel Robertson and Ms Sarah Vuong opened Play Bar, a small live music venue in Surry Hills, in Inner Sydney in February 2013. Their vision was to create a fun and eclectic environment and manage a space that supported the music, art and dance communities. Play Bar hosted a mix of artists from international acts to grass-root bands, live art and DJs across many genres from soul, funk, Brazilian samba and many more.

After leaving their jobs, selling their apartment and investing their life savings into Play Bar, it was not an easy ride for the couple.

On their first Friday night of trade, Mr Robertson and Ms Vuong received a noise complaint at 8.45 pm by a high-profile tenant from the office upstairs. After a series of vexatious complaints from the tenant, matters took a legal turn resulting in \$100,000 of legal fees in their first year of trade.

Moreover, upon discovering an incorrect acoustic report which was approved by council, Mr Robertson and Ms Vuong had to become sound experts and had to engage one of the top acoustic engineers in the city. On top of acoustic reports and implementing sound attenuation, Play Bar was forced to close for a month while the work was completed, all incurring further signification cost for the business.

Once the lockout laws were introduced, there were immediate impacts on the business. On top of this, Mr Robertson and Ms Vuong felt there was an over policing of their licence condition, with 230 visits from the police in their first three years of operation, even with zero issues of violence in their venue.

Mr Robertson and Ms Vuong 's original business plan was to trade till midnight for the first 12 months, and then once proving a good track record, extend trade to 1.00 am and then 2.00 am. Without being able to trade an extra couple of hours, Mr Robertson and Ms Vuong felt the risk was too big and were unable to continue with their business.

- 8.22** The committee also received evidence about the Bombie Bar, a pop-up live music venue that had been operating out of the Coalcliff Surf Club until a noise complaint led to the operation being shut down.⁶⁹⁶ The details are examined in the case study below.

Case study: Bombie Bar⁶⁹⁷

The Coalcliff Surf Club operated the Bombie Bar from 2012-2016. The club ran these events to raise money for the surf club and for various charities.

The Bombie Bar attracted some of the Illawarra's and Australia's finest musicians, and usually operated from 2.00 pm - 5.30 pm on the first and third Sunday of each month from September through to June. On 4 January 2015, a Coalcliff resident made a sound complaint. The complaint was then circulated to the police, the council and the Office of Liquor, Gaming and Racing.

On 21 December 2016, Wollongong City Council, having formed the opinion that the fundraising event was not within the approved use of the building as a surf club, instructed Coalcliff Surf Life Saving Club to suspend the operation of the Bombie Bar.

⁶⁹⁵ Submission 383, Mr Daniel Robertson; Evidence, Mr Daniel Robertson and Ms Sarah Vuong, Co-owners, Play Bar, 24 August 2018, pp. 64-69.

⁶⁹⁶ Evidence, Mr Dean Ormston, Chief Executive Officer, APRA AMCOS, 26 March 2018, p 27.

⁶⁹⁷ Evidence, Mr Robert Deacon, Manager, Bombie Bar, 4 July 2018, pp 25-29.

The advice of Surf Life Saving NSW continues to be that such fundraising events are a legitimate use of a surf club building.

The Coalcliff Surf Club site has not hosted a live music event since 2016. However, pop-up Bombies have been held at various venues in the northern Illawarra.

Coalcliff Surf Life Saving Club is beginning the process of seeking development approval to renovate the surf club building. It is anticipated that the sound complainant will raise objections to any redevelopment proposal that the club submits. There is no guarantee that the surf club will receive development consent to operate the Bombie.

- 8.23** An additional concern for certain inquiry participants was that the onus is on the venue to stop the noise.⁶⁹⁸ The City of Sydney explained: 'Currently, New South Wales operates on a 'polluter pays' principle, whereby a music venue is responsible for managing amenity impacts on residents, regardless of whether the venue or the resident was in the neighbourhood first'.⁶⁹⁹ For example, Solotel spent \$22,000 to acoustically seal the windows at Green Park Hotel in Darlinghurst.⁷⁰⁰
- 8.24** There was some support from inquiry participants for operators to be provided grant funding to install noise attenuation measures in their venues.⁷⁰¹ In fact, certain councils, such as the City of Sydney, already provide these types of grants.⁷⁰²
- 8.25** A related concern was that the regulator often calls for expensive acoustic testing to be conducted when investigating complaints.⁷⁰³
- 8.26** Inquiry participants expressed concern about the complexity of the noise complaint resolution framework. For example, Mr Trimarchi called the framework complex and duplicative, noting that multiple regulatory bodies have the power to impose noise restrictions and investigate complaints:

... the current framework around how noise complaints from hosting music and entertainment should be handled is, in our view, complex and duplicative. As it stands, Liquor and Gaming NSW, as our primary regulator, has the responsibility for noise complaints for licensed premises, and it has the power under the Liquor Act to investigate and impose conditions on clubs and other venues. However, local councils also impose noise controls on licensed premises via their individual planning instruments and development consents and, as you can imagine, different councils have different standards.⁷⁰⁴

⁶⁹⁸ Evidence, Ms Justine Baker, Chief Executive Officer, Solotel Group, 26 March 2018, p 43.

⁶⁹⁹ Submission 246, City of Sydney, p 10

⁷⁰⁰ Evidence, Ms Justine Baker, Chief Executive Officer, Solotel Group, 26 March 2018, p 44.

⁷⁰¹ Evidence, Mr Ian Lobb, Owner and Licensee, Lass O'Gowrie Hotel, 23 August 2018, p 12.

⁷⁰² City of Sydney, *Live music and performance grants*, (23 July 2018) <https://www.cityofsydney.nsw.gov.au/community/grants-and-sponsorships/business-grants/business-support-grants/live-music-and-performance>.

⁷⁰³ Evidence, Mr Anthony Trimarchi, Manager, Policy and Government, ClubsNSW, 24 August 2018, p 15; Submission 232, Australian Hotels Association NSW, p 2.

⁷⁰⁴ Evidence, Mr Anthony Trimarchi, Manager, Policy and Government, ClubsNSW, 24 August 2018, p 15. Also see, Mr John Wardle, Live Music Consultant, APRA AMCOS and the Live Music Office, 26 March 2018, p 53.

8.27 Likewise, the City of Sydney observed: 'The overlap of planning, liquor and environmental legislation creates uncertainty and confusion for venues and the community'.⁷⁰⁵

8.28 Inquiry participants suggested that having multiple regulatory bodies encourages complainants to 'jurisdiction shop', that is, take their complaint to numerous regulatory bodies to find a favourable resolution.⁷⁰⁶ Indeed, Councillor Byrne stated that complainants are often supported by various agencies who actively persecute and prosecute live music venues

The really sad thing is that in Sydney in 2018, that person is supported by multiple different Government agencies who will assist them actively in persecuting and prosecuting live music venues. I do not believe that is in the interest of the people of this city and I do not think it is supported popularly by the people of Sydney.⁷⁰⁷

8.29 Councillor Byrne said that this was the experience of the Annandale Hotel in Sydney's inner west.⁷⁰⁸ The case study below discusses his concerns.

Case study: The Annandale Hotel⁷⁰⁹

The Annandale Hotel, located in Sydney's inner-west, was once renown as a live music venue. However, the committee was told that the former the local council's 'pandering' to tiny number noise complainants assisted to undermine the viability of the hotel.'

The venue operators were reluctant to submit a new development application to council because one or two nearby residents would launch a jihad against the hotel, that is, they would take advantage of the fact that a new development application being submitted would open statutory community notification and a submission period. The venue operators are essentially trapped as a steady stream of politicians—mostly in local government, but not exclusively— [have been] willing to take up those vexatious complaints and to treat them with more gravity than they deserve.

8.30 According to stakeholders, there were other more general concerns about noise regulations. For example, Mr Ian Rhodes, Community Planning Coordinator at Newcastle City Council, explained that regulations fail to adequately recognise the level of background noise in urban environments:

... there seems to be an inflexibility with respect to background sound. The guidelines [for the Protection of the Environment Operations Act] actually state that five decibels of sound above a habitable room level is considered intrusive. However, within the City of Newcastle there is already a five decibel background hum, if you like, of the city operating. So venues, once they exceed that level, have already compromised those guidelines.⁷¹⁰

⁷⁰⁵ Submission 246, City of Sydney, p 11.

⁷⁰⁶ Evidence, Mr Anthony Trimarchi, Manager, Policy and Government, ClubsNSW, 24 August 2018, p 15. Also see, Evidence, Mr John Green, Director, Liquor and Policing, Australian Hotels Association NSW, 24 August 2018, p 38; Evidence, Mr John Wardle, Live Music Consultant, APRA AMCOS and the Live Music Office, 26 March 2018, p 52.

⁷⁰⁷ Evidence, Clr Darcy Byrne, Mayor, Inner West Council, 28 May 2018, p 2.

⁷⁰⁸ Evidence, Clr Darcy Byrne, Mayor, Inner West Council, 28 May 2018, p 4.

⁷⁰⁹ Evidence, Clr Darcy Byrne, Mayor, Inner West Council, 28 May 2018, pp 2-7.

⁷¹⁰ Mr Ian Rhodes, Community Planning Coordinator, Newcastle City Council, 23 August 2018, p 3.

- 8.31** Similarly, the Australian Hotel Association NSW suggested that regulations fail to appropriately recognise that a reasonable level of noise is to be expected during standard trading hours.⁷¹¹
- 8.32** Ms Justine Baker, Chief Executive Officer of Solotel, informed the committee that noise conditions are not consistent across all development applications.⁷¹² For example, some of Solotel's businesses must take acoustic measurements from within a neighbouring resident's building with the doors shut and air conditioning on. However, at the Barangaroo House in the new Barangaroo precinct, the condition is measured from the person's balcony.⁷¹³
- 8.33** Newcastle City Council noted that the system is complaints-based and does not recognise good performance.⁷¹⁴

Proposals to address noise regulations

- 8.34** Inquiry participants encouraged the NSW Government to address concerns with noise regulations and the noise complaints resolution framework to enhance the vibrancy of the music and arts economy in New South Wales.⁷¹⁵
- 8.35** Local Government NSW called on the state to address the regulatory overlap associated with the management of noise, by removing duplication contained in the *Environmental Planning and Assessment Act 1979*, *Protection of the Environment Operations Act 1997* and *Liquor Act 2007*.⁷¹⁶
- 8.36** To this end, certain inquiry participants suggested that a single regulatory body be made responsible for managing noise complaints.⁷¹⁷ The Australian Hotel Association NSW and ClubsNSW proposed that the most appropriate body to manage noise complaints is Liquor & Gaming NSW.⁷¹⁸
- 8.37** Alternatively, the NSW Police Force suggested that local government should be responsible for regulating noise.⁷¹⁹
- 8.38** Other proposals to address noise regulations included:

⁷¹¹ Submission 232, Australian Hotels Association NSW, p 2.

⁷¹² Evidence, Ms Justine Baker, Chief Executive Officer, Solotel, 26 March 2018, p 43.

⁷¹³ Evidence, Ms Justine Baker, Chief Executive Officer, Solotel, 26 March 2018, pp 43-44.

⁷¹⁴ Mr Ian Rhodes, Community Planning Coordinator, Newcastle City Council, 23 August 2018, p 5.

⁷¹⁵ Evidence, Mr Anthony Trimarchi, Manager, Policy and Government, ClubsNSW, 24 August 2018, p 15; Evidence, Submission 237, Local Government NSW, p 9;

⁷¹⁶ Submission 237, Local Government NSW, p 9.

⁷¹⁷ Evidence, Clr Declan Clausen, Deputy Mayor, Newcastle City Council, 23 August 2018, p 5; Submission 264, Restaurants and Catering Australia, p 9.

⁷¹⁸ Answers to supplementary question on notice, ClubsNSW, 24 September 2018, p 2; Answers supplementary to questions on notice, Australian Hotels Association of Australia NSW, 26 September 2018, p 1.

⁷¹⁹ Answers to questions on notice, NSW Police Force, 9 July 2018, p 9.

- providing a consistent noise policy that identifies the precedence of order of occupancy,⁷²⁰ clarifies how to assess noise and better recognises background noise,⁷²¹ identifies the appropriate regulatory authority,⁷²² as examined in Chapter 6, stakeholders some of these concerns could be overcome by adopting certain measures including either an agent of change or planned precinct approach to entertainment noise.
- creating new guidelines that encourage more live music opportunities in local government B4 zonings⁷²³
- moving to a performance-based compliance system that places greater weight on plans of management and rewards venues for good behaviour.⁷²⁴

8.39 The City of Sydney also intends to prepare a noise compliance guideline to reduce inconsistencies between its compliance processes for offensive noise and development consents.⁷²⁵

NSW Government response to stakeholders' concerns

8.40 The NSW Government acknowledged that there is excessive duplication and complexity in the management of noise complaints. Mr Paul Newson, Deputy Secretary, Liquor & Gaming NSW, advised:

... in the noise complaint space there is too much overlap and it is in that parcel of activity that we want to get some level of economy, some efficiency and rationalise between planning and liquor because much of the activity around noise complaints happens under planning laws with local consent authorities and the New South Wales police.⁷²⁶

8.41 Ms Alison Frame, Deputy Secretary for Policy and Strategy at the NSW Department of Planning and Environment, stated: 'The multiple pieces of legislation and enforcing bodies have been identified as a potential area for inconsistency and uncertainty in assessment and enforcement'.⁷²⁷

⁷²⁰ Evidence, Ms Samantha Hardie, Chair, Night Time Economy Working Group, Lake Macquarie City Council, 23 August 2018, p 8.

⁷²¹ Mr Ian Rhodes, Community Planning Coordinator, Newcastle City Council, 23 August 2018, p 3 and p 3.

⁷²² Evidence, Ms Samantha Hardie, Chair, Night Time Economy Working Group, Lake Macquarie City Council, 23 August 2018, p 8.

⁷²³ Evidence, Mr Ian Rhodes, Community Planning Coordinator, Newcastle City Council, 23 August 2018, p 3.

⁷²⁴ Evidence, Mr Ian Rhodes, Community Planning Coordinator, Newcastle City Council, 23 August 2018, p 3.

⁷²⁵ Submission 246, City of Sydney, p 11.

⁷²⁶ Evidence, Mr Paul Newson, Deputy Secretary, Liquor & Gaming NSW and Office of Racing, 26 March 2018, p 13.

⁷²⁷ Evidence, Ms Alison Frame, Deputy Secretary for Policy and Strategy, NSW Department of Planning and Environment, 14 September 2018, p 29.

- 8.42** As discussed in Chapter 4, the Sydney Night-Time Economy Taskforce is facilitating discussions with relevant regulators to provide more clarity around noise regulation for council officers, venues and the community.⁷²⁸ Ms Frame informed the committee that the department is undertaking a noise management study looking into opportunities to remove duplication of legislation and any uncertainty this may create.⁷²⁹
- 8.43** Ms Alex O'Mara, Deputy Secretary of Create NSW, was unable to identify a tangible outcome when questioned about the progress made by the taskforce in managing noise from live music venues. However, she assured the committee that the Create NSW and Liquor & Gaming NSW are working to address concerns: '... we are working collaboratively with our colleagues. Ultimately, it is a whole-of-government task force so action on matters that really relate to Liquor and Gaming NSW and the portfolio of that Minister are for them to progress, but obviously we are advocating for that work to continue as quickly as possible'.⁷³⁰

Committee comment

- 8.44** The committee acknowledges that noise regulations and the noise complaints resolution framework are fraught with complexity and undue duplication.
- 8.45** We note that the NSW Government is aware of these concerns. In fact, the Sydney Night-Time Economy Taskforce was charged with reviewing noise regulations and we are disappointed to receive evidence that no tangible outcomes, beyond undertaking a noise management study and assurances that the agencies are working collaboratively, have been achieved. Again, we stress to the NSW Government these matters need immediate and decisive action.
- 8.46** The committee notes concerns that the *Protection of the Environment Operations Act 1997* includes a subjective test for measuring 'offensive noise' for licensed venues. We believe a subjective test is inappropriate in such circumstances as it leaves too much room for variation and personal opinion. The committee recommends that the NSW Government amend the *Protection of the Environment Operations Act 1997* to include an objective test for 'offensive noise' from licensed venues.

Recommendation 50

That the NSW Government amend the *Protection of the Environment Operations Act 1997* to include an objective test for 'offensive noise' from licensed venues.

- 8.47** As examined in Chapter 6, we believe the committee's hybrid approach to manage land use conflict, that combines parts of the agent of change and planned precinct models will assist to manage noise concerns. To support this model, the committee recommends that the NSW Government fund Create NSW to provide grants of up to \$25,000 to assist live music venues to install noise attenuation measures.

⁷²⁸ Submission 385a, NSW Government, p 6.

⁷²⁹ Evidence, Ms Alison Frame, Deputy Secretary for Policy and Strategy, NSW Department of Planning and Environment, 14 September 2018, p 29.

⁷³⁰ Evidence, Ms Alex O'Mara, Deputy Secretary, Create NSW, 27 September 2018, p 7.

Recommendation 51

That the NSW Government fund Create NSW to provide grants of up to \$25,000 to assist live music venues to install noise attenuation measures.

- 8.48** The committee believes the current dispute resolution system for noise complaints is deeply flawed and unpragmatic. There are simply too many regulatory bodies in the mix; a single regulatory agency should be responsible for managing noise from licensed venues. However, we acknowledge that there may be some complexities in simply appointing Liquor & Gaming NSW to this role, as is our preference. We therefore recommend that, as part of the noise management study being undertaken by the NSW Department of Planning and Environment, consideration be given to establishing a one stop shop for noise regulation. This may be achieved by either removing or referring regulatory and compliance responsibilities for noise from licences venues, and establishing Liquor & Gaming NSW as the lead agency.
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Recommendation 52

That, as part of the noise management study being undertaken by the NSW Department of Planning and Environment, the government give consideration to establishing a one stop shop for noise regulation. This may be achieved by either removing or referring regulatory and compliance responsibilities for noise from licences venues, and establishing Liquor & Gaming NSW as the lead agency.

Chapter 9 Festivals

This chapter focuses on the challenges associated with hosting festivals. The chapter begins by acknowledging the importance of festivals to the music and arts ecosystem in New South Wales. It then examines the challenges faced by festival operators, including restrictive and prohibitive regulation, the limited space available for large-scale events in Sydney's CBD as well as funding concerns. The chapter also considers ways in which local governments have been addressing these concerns

The importance of festival culture

9.1 Festivals are a key element of the music and arts ecosystem.⁷³¹ These events encourage a sense of community and offer many artists and musicians an opportunity to showcase their work to a wider audience. For example, Arts Mid North Coast noted the opportunities provided by the varied festivals held on the mid-north coast:

The region's many festivals feature jazz, contemporary, acoustic, folk and bluegrass genres and attract broad interest both within and from outside the region. These festivals typically accommodate a mix of local and touring performers and provide opportunities for emerging local talent and community participation.⁷³²

9.2 The NSW Government suggested that key Sydney festivals such as the Sydney Festival, the Sydney Writers' Festival, the Biennale of Sydney and Sydney Film Festival 'activate places and spaces in and around the Sydney region bringing arts, music and cultural programs to the people of NSW in unexpected ways'.⁷³³

9.3 Mr Luke Logemann, Chief Creative Officer of UNIFIED Music Group, highlighted the benefit of festivals, particularly for young people:

Festivals are as much about the artists on stage as they are about the kind of atmosphere and the sense of community that happens around them ... [W]ith a lot of the great festivals that we have, I think that when the culture behind them is there it is a really great experience for young people to get into music and find other people that are also into the same arts and the same community as them.⁷³⁴

9.4 In addition to the social benefits of festivals, stakeholders pointed to the significant economic and tourism benefits of festivals to the state, and more specifically to regional New South Wales.⁷³⁵ For example, Mr Dan Rosen, Chief Executive Officer of ARIA, stressed the financial and other gains a festival can provide to a town:

You speak to local communities, and when a festival comes through, that can be one of the times when the accommodation has sold out, the pubs are full, and it brings a lot of

⁷³¹ Submission 250, Tamworth Songwriters Association, p 1; Evidence, Mr Dan Rosen, Chief Executive Officer, ARIA, 26 March 2018, p 63.

⁷³² Submission 235, Arts Mid North Coast, p 1.

⁷³³ Submission 358a, NSW Government, pp 16-17.

⁷³⁴ Evidence Mr Luke Logemann, Chief Creative Officer, 8 August 2018, p 25.

⁷³⁵ Submission 358a, NSW Government, p 16; Submission 154, South East Arts, p 1.

people to the local community. We probably want to encourage more of those smaller festivals [so] they can go on around the State.⁷³⁶

- 9.5** Ms Shannon Burt, Director, Sustainable Environment and Economy at Byron Shire Council, stated that the events approved by the Byron Shire Council in 2018 attracted approximately 400,000 official attendees from around Australia and internationally, providing a significant contribution to the local economy.⁷³⁷ Similarly, the committee heard that the Tamworth Country Music Festival contributes more than \$50 million to the local community, as well as opportunities for music-related travel and tourism.⁷³⁸
- 9.6** On the other hand, the committee heard concerns about the 'festivalisation' of music and arts culture. Ms Lisa Colley, Manager, Cultural Strategy, Strategy and Urban Analytics at the City of Sydney, argued that a festival-based approach to music and the arts fails to adequately embed permanency into the organisations and procedures that provide support and knowledge to the music and sector. Ms Colley observed: 'We end up ... hav[ing] these great big bang events, and then we do not have the consistency underneath'.⁷³⁹
- 9.7** Likewise, Councillor Jess Scully at the City of Sydney, stated that despite 'loving' festivals, 'you cannot have a sustainable sector without stability'.⁷⁴⁰

Challenges associated with planning festivals

- 9.8** Inquiry participants shared with the committee the challenges and frustrations they typically encounter when organising festivals. The recurring challenges include restrictive regulation, the lack of suitable spaces to host festivals in Sydney, and funding concerns.

Restrictive regulation

- 9.9** Numerous regional festival operators told the committee that the key challenges of hosting a festival stemmed from inadequate regulation that is restrictive and decentralised. More specifically, these concerns included:
- frustration at the planning approval process for festival sites⁷⁴¹
 - the prohibitive cost of regulation and compliance, particularly security⁷⁴²

⁷³⁶ Evidence, Mr Dan Rosen, Chief Executive Officer, ARIA, 26 March 2018, p 63. Also see, Evidence, Cllr Jess Scully, Councillor, City of Sydney, 26 March 2018, p 19.

⁷³⁷ Evidence, Ms Shannon Burt, Director, Sustainable Environment and Economy, Byron Shire Council, 31 July 2018, p 29.

⁷³⁸ Evidence, Mr Chris Watson, Chris Watson Travel, 13 September 2018, p 11; Evidence, Mr Barry Harley, Manager Country Music and Festival Director, Country Music Festival, Tamworth Regional Council, 13 September 2018, p 32.

⁷³⁹ Evidence, Ms Lisa Colley, Manager, Cultural Strategy, Strategy and Urban Analytics, City of Sydney, 26 March 2018, p 18.

⁷⁴⁰ Evidence, Cllr Jess Scully, Councillor, City of Sydney, 26 March 2018, p 18.

⁷⁴¹ Submission 248, Secret Sounds, pp 2-3.

⁷⁴² Submission 248, Secret Sounds, p 3; Evidence, Mr Peter Noble, Director, Bluesfest Group of Companies, 31 July 2018, p 10.

- the substantial financial risk undertaken by festival operators⁷⁴³
- volunteer burn-out, lack of strategic and long-term planning and development for events.⁷⁴⁴

9.10 These concerns were particularly prominent in Wollongong and Byron Bay, regions with a heavy concentration of festivals. Ms Kerri Glasscock, Chief Executive Officer of the Sydney Fringe Festival, also voiced similar concerns, as demonstrated in the case study below.

Case study: Sydney Fringe Festival⁷⁴⁵

The Sydney Fringe Festival is the largest independent arts festival in New South Wales, supporting over 2,000 artists from a wide range of genres. During the festival, artists perform across 60 small to medium sized cultural spaces and business, as well as pop-up and temporary performance spaces in Sydney. According to Ms Glasscock, despite contributing to the largest amount of activity and employment of artists, the small to medium sector of the music and arts economy is provided with the least amount of government funding, and faces the most challenging hurdles in regulation.

The festival utilises a range of venues including those that are not traditionally used as performance spaces as well as unused or empty spaces that have been gifted to the festival. In doing so, they have found the current regulatory framework to be prohibitive.

For example, an artist sought to place a site-specific show at a hairdressing salon as part of the 2015 festival. The artist planned to use the salon in its usual capacity with the addition of selling tickets for the performance. There were no changes to the infrastructure and audience numbers would reflect the same number of people that the salon would typically service at any one time. However, because patrons would have to pay for a ticket upfront, the use of the space would no longer be considered ancillary and a full change of use development application would have had to be submitted. The artist would have had to upgrade the venue's fire and noise attenuation, add more toilets and change the front door. The artist could not proceed with the show.

The festival faced similar challenges in 2017 when it sought to use an industrial site gifted to them. In putting together a development application for the site, the land owner and the local government were supportive. However, the festival operators encountered problems with the police who proposed that DJ's and dancing at the venue be prohibited (see Appendix 4). As a well-resourced organisation and with the support of the City of Sydney, the festival was able to proceed with using the venue.

9.11 Of note, the committee heard that the Melbourne Fringe Festival currently receives \$367,000 per year between 2017-2020.⁷⁴⁶

Wollongong

9.12 According to the Illawarra Folk Festival, the complexity of regulatory applications and timeliness of approvals cause significant challenges for festival operators. Their experiences are detailed in the case study below.

⁷⁴³ Submission 248, Secret Sounds, p 4.

⁷⁴⁴ Submission 154, South East Arts, p 1.

⁷⁴⁵ Evidence, Ms Kerri Glasscock, Chief Executive Officer, Sydney Fringe Festival, 26 March 2018, pp 64-66; Submission 261, Sydney Fringe Festival, pp 2 and 9.

⁷⁴⁶ Answers to supplementary questions on notice, Creative Victoria, received 7 September 2018, p 1.

Case study: Illawarra Folk Festival⁷⁴⁷

Established in 1986, the Illawarra Folk Festival is a folk festival held over four days every January in Bulli. The festival attracts 10,000 attendees, including 1,500 on-site campers, and contributes approximately \$1.5 million to the local economy. The festival is run by volunteers and costs about \$500,000 to run. The Illawarra Folk Festival also hosts Folk by the Sea, a three-day festival in Kiama which attracts 2,000 people with 150 campers.

Mr Rod Cork and Mr Graeme Morrison, Vice President and Secretary of the Illawarra Folk Festival, spoke to the challenges of running these festivals, particularly around obtaining their development applications, site licences and liquor licences. The entire process of applying and gaining approval for these licences can take 10 months, with approvals granted very close to the start of their festivals.

In its submission, the Illawarra Folk Festival described the process of obtaining a development application as a 'very frustrating and overly complex legal procedure'. The development application form was a particular source of frustration. For example, the form asks questions about the size, cost and height of buildings, and for lot numbers, however in reality, council planners require a site safety plan, first aid plan, insurance details, map of temporary structures, location of temporary toilets and showers, traffic plan, noise control and waste recycling.

Mr Cork explained that the development application process is further complicated by the lack of understanding within the various regulatory entities as to who is responsible for what and how processes should be completed. For example, in Kiama, the festival organisers sought to increase the number of camping sites. They wrote to the Department of Lands asking for guidance on how to do so, however, two years later they still do not have an answer. Similarly, the three Bulli sites on which the festival is held are owned by seven different owners, one of whom is Roads and Maritime Services. Part of the development application to use the site is to get a permit from RMS, but there is no clear process or timeline to do so. For now, they are forced to rely on contacts at RMS.

Mr Cork and Mr Morrison have been warned that their next application will have to comply with the same conditions involved with year-round campsites. This will impose additional requirements for mirrors and washing machines, which they argue is unnecessary for a four-day festival.

After obtaining a development application, a site licence is also required, a process that in Mr Cork's view essentially replicates the development application process, as both processes ask the same questions and require the same information.

With limited sponsorship and government funding, one of the key sources of revenue for the festival is the bar. Mr Morrison has been the licensee for the festival since 2000. He described the application process for a liquor licence as becoming more and more difficult. With festivals in two different locations, the licensing requirements differ based on the different police and council requirements. For example, in 2000, the liquor licence application for Folk by the Sea was a two-page document that went to Gaming and Racing. Today, it is an 18-page document that requires liaison with the police and the council. Mr Morrison estimates that it takes three and a half hours to fill out.

Mr Morrison expressed frustration with the requirement to fill out a new form every year when the details are exactly the same, and the festival has received approval every year. He suggested that an application should only be required in response to a change. Mr Morrison was also critical of the timeliness of approval for liquor licensing, with approval coming in one or two weeks before the festival despite the application being made four months earlier.

⁷⁴⁷ Submission 420, Illawarra Folk Festival, pp 1-7; Evidence, Mr Graeme Morrison, Secretary, Illawarra Folk Festival, pp 30-37; Evidence, Mr Rod Cork, Vice President, Illawarra Folk Festival, pp 30-37.

The timeliness of grants was a further problem. If grants are received, the money can come in weeks before or after the event, which lessens its effectiveness. While grants are helpful, if the festival knew a grant was coming, they could spend more money on musicians or sound gear ahead of time.

- 9.13** Mr Mark Grimson, Economic Development Manager at Wollongong City Council, acknowledged the need for timely responses to development applications.⁷⁴⁸ Mr Grimson outlined the approach the council has taken to help streamline the process for festivals and pop-up events in eight of the area's major sites:

It is not necessarily a local government area-wide thing at this point in time, but we identified eight major sites across our CBD. The economic development team lodged a DA [development application] for those sites and we worked with various areas of council to have a DA that would set out all the terms and conditions required for those various sites. The idea was to streamline the process so that every time an event operator came to our city and wanted to put on a major event, they did not need to go through the DA process. Instead, those eight sites go through an event application process. Most of the requirements are known and if they can submit a proposal that shows that they can comply with all of those things, it is a much more streamlined process.⁷⁴⁹

- 9.14** Mr Grimson explained that although operators who hold the same events regularly will have to go through the same event application process every time 'it is much more streamlined ... if [the] event is the same as the one that they did last time'.⁷⁵⁰

- 9.15** The operator of Wollongong's Yours and Owls festival, Mr Jeb Taylor, was supportive of the council's initiative to streamline the development application process. However, Mr Taylor suggested that further improvements could be made. He also noted that the noise restrictions imposed on their festivals pose a challenge to running a successful event:

[T]he generic DAs that Wollongong City Council implemented [have] definitely helped streamline that process. I do not want to get into criticism, because we are happy, but perhaps they could be looked at again to streamline them further, which would be great. On noise complaints We have encountered those complaints as a festival organiser of an outdoor event, and that is becoming an issue for us. We have been given noise restrictions that we think are too low, and a lot of sound experts think the level is too low. Again, we work with the council to try to mitigate that as best we can.⁷⁵¹

Byron Bay

- 9.16** Both the operators of Bluesfest as well as Falls Festival and Splendour in the Grass in Byron Bay expressed similar concerns to the Illawarra Folk Festival regarding the timeliness of approvals, the complexity of regulations and the prohibitive costs in addressing these regulations. The case study below discusses the experience of the operator of Bluesfest.

⁷⁴⁸ Evidence, Mr Mark Grimson, Economic Development Manager, Wollongong City Council, 4 July 2018, p 4.

⁷⁴⁹ Evidence, Mr Mark Grimson, Economic Development Manager, Wollongong City Council, 4 July 2018, p 4.

⁷⁵⁰ Evidence, Mr Mark Grimson, Economic Development Manager, Wollongong City Council, 4 July 2018, p 4.

⁷⁵¹ Evidence, Mr Jeb Taylor, Owner, Farmer and the Owl, 4 July 2018, p 20.

Case study: Bluesfest⁷⁵²

Bluesfest is an annual festival based in Byron Bay that has been running for 30 years. The festival also runs Boomerang Festival, an Indigenous event that runs concurrently to Bluesfest. Bluesfest brings approximately \$54.5 million to Byron Shire, \$107 million to the Northern Rivers and \$135 million to the state. It also creates 531 jobs in Byron Bay.

The key challenge for Bluesfest is around prohibitive costs associated with receiving its development consent. Bluesfest bought its current site in 2007. However, the costing on its 2016 development consent was upwards of \$7.5 million for sealed roadways and waste water compliance. Mr Peter Noble, Director of Bluesfest Group of Companies, observed that the festival's application is treated like a subdivision with kerbing and guttering, rather than a single-use five-day festival.

The festival could not go ahead with the requested changes, so had to approach council to seek changes to the consent to reduce the costs.

Mr Noble also expressed frustration at the time it takes to obtain approval for development applications. He has been advised that the council is working towards a deadline of December, with the festival taking place four months later in April.

Mr Noble also pointed towards an increase in policing fees of 30 to 40 per cent without notice for terrorism charges. The festival also saw an increase in police presence from 109 officers in 2017 to 153 officers in 2018.

- 9.17** Ms Shannon Burt, Director, Sustainable Environment and Economy at Byron Shire Council recognised the challenge for Bluesfest to acquire a permanent development application:

It was challenging for the event organiser in terms of dealing with what "permanent" looks like on this site. It is rural land. It is not serviced ... Whilst council has expertise to deal with some of those issues in terms of water, sewer and road planning, there is that dependency on other agencies and/or there is a cost item that is associated and a policy change needed to facilitate some of these things on these sites.⁷⁵³

- 9.18** Ms Burt confirmed that some annual festivals have acquired a permanent development consent. In such an instance, the development application stands unless there is a variation. The triggers for variation include an increase in numbers, days or hours that could change operation and increase in the number of people using the site.⁷⁵⁴

- 9.19** Ms Burt also noted that smaller festivals that do not have a permanent development consent can 'clone' an application based on what they have sent through in previous years.⁷⁵⁵

⁷⁵² Evidence, Mr Peter Noble, Director, Bluesfest Group of Companies, 31 July 2018, pp 9-15; Submission 240, Bluesfest Group of Companies, p 1; Answers to questions on notice, Mr Peter Noble, Director, Bluesfest Group of Companies, 27 August 2018, p 1.

⁷⁵³ Evidence, Ms Shannon Burt, Director, Sustainable Environment and Economy, Byron Shire Council, 31 July 2018, p 31.

⁷⁵⁴ Evidence, Ms Shannon Burt, Director, Sustainable Environment and Economy, Byron Shire Council, 31 July 2018, p 32.

⁷⁵⁵ Evidence, Ms Shannon Burt, Director, Sustainable Environment and Economy, Byron Shire Council, 31 July 2018, p 32.

9.20 Like Wollongong City Council, Byron Bay Shire Council has sought to streamline its processes in relation to event organisation. Ms Tania Crosbie, Economy and Sustainability Coordinator at Byron Shire Council, noted that the council has a designated role responsible for events liaison:

One of the things that council did was to have a designated person so that you do not have to go to the DA person, the traffic person and to the food people. It is all processed through one place, which makes it easier for everyone. We can also follow up internally if things are dragging the chain ... and we work closely with all the other northern region councils to ensure that we are best practice within the region.⁷⁵⁶

9.21 However, Ms Crosbie acknowledged some of the challenges experienced by festival operators in approval timeframes and gaining community support for their events. Ms Burt highlighted the role of the events liaison officer in addressing these challenges. These include:

- providing clear communication and working more proactively with festival operators to ensure that they understand the approval timeframes⁷⁵⁷
- engaging in working groups to help build relationships with stakeholders and alleviate community concerns about festivals nearby.⁷⁵⁸

9.22 Despite attempts to streamline processes for event planning and management, Ms Burt observed that the council is limited by state government restrictions in planning and liquor licensing.⁷⁵⁹

9.23 In particular, Ms Burt explained that rezoning challenges and the increase in the value of land have disrupted the music and arts industry in Byron Shire, causing operators to leave the area. She suggested that planning tools that would help protect space for arts and cultural use would be useful.⁷⁶⁰

9.24 Ms Burt also highlighted a disconnect between the council's development application process and the liquor licensing application. Sometimes the permissions or restrictions on a liquor license may not match those on a development consent, causing 'conflict and compliance issues'.⁷⁶¹

9.25 Unlike Bluesfest, Splendour in the Grass and Falls Festival are state significant developments. This means they fall under the framework for the NSW Department of Planning and

⁷⁵⁶ Evidence, Ms Tania Crosbie, Economy and Sustainability Coordinator, Byron Shire Council, 31 July 2018, p 30.

⁷⁵⁷ Evidence, Ms Tania Crosbie, Economy and Sustainability Coordinator, Byron Shire Council, 31 July 2018, p 30

⁷⁵⁸ Evidence, Ms Shannon Burt, Director, Sustainable Environment and Economy, Byron Shire Council, 31 July 2018, pp 30-31.

⁷⁵⁹ Evidence, Ms Shannon Burt, Director, Sustainable Environment and Economy, Byron Shire Council, 31 July 2018, p 29.

⁷⁶⁰ Evidence, Ms Shannon Burt, Director, Sustainable Environment and Economy, Byron Shire Council, 31 July 2018, p 29.

⁷⁶¹ Evidence, Ms Shannon Burt, Director, Sustainable Environment and Economy, Byron Shire Council, 31 July 2018, p 29.

Environment rather than the local council for approvals.⁷⁶² The committee heard that this presents its own set of challenges, which are discussed in the case study below. In particular, Mr Mat Morris, General Manager of North Byron Parklands and Ms Jessica Ducrou, Co-Chief Executive Officer of Secret Sounds emphasised to the committee the need for consistency in regulation across the state in relation to events.⁷⁶³

Case study: North Byron Parklands⁷⁶⁴

Splendour in the Grass and Falls Festival are two large-scale camping festivals held annually in Byron Bay. They are run by North Byron Parklands, of which Secret Sounds is a shareholder. Selling out in 26 minutes, Splendour in the Grass attracted 20,000 campers and 15,000 day patrons in 2018. Falls Festival generally attracts 25,000 patrons. These events are run on a private 600 acre property bought by North Byron Parklands in 2007.

In 2017, North Byron Parklands applied to make the festival property a state significant site. The initial development application was submitted to the NSW Department of Planning and Environment where the application was open to submissions from the public. As the project received over 25 objections, it has since moved to the Independent Planning Commission, which granted a trial five-year approval.

Despite investing \$25 million on the site, without permanency, it will be difficult for the festival operators to invest further in the site and subsequently the festivals. According to Mr Morris, the NSW Department of Planning and Environment does not have the capacity to assess an application for a festival site. For example, the approval process for a social impact assessment uses guidelines based on the mining industry which has particular considerations that do not apply to an outdoor four-day festival. It also fails to take into account the key considerations for a festival, such as noise, transport and traffic. Furthermore, there are 246 conditions on the temporary trial approval for North Byron Parklands, many of which conflict with each other, do not have a tangible outcome, or cannot be measured.

Like many other festivals, North Byron Parklands has experienced delays in their approval process, creating business uncertainty. Ms Ducrou emphasised that they need a decision on permanency by the end of the year to ensure future growth. Mr Morris explained they need to secure artists well in advance but the business uncertainty places them at a huge financial risk.

A 'vocal minority' who do not support the use of the site for festivals has also prolonged the assessment process, resulting in an additional \$1 million spent trying to secure the permanent approval.

The festival operators have a positive relationship with the police, however, like Bluesfest, they have seen an increase in police fees from \$20,000 to \$210,000 over eight years.

- 9.26** In contrast, Mr Brandon Saul, Organiser/Promotor of Falls Festival was supportive of the heavy regulation surrounding festivals as it 'gives security to everyone involved'.⁷⁶⁵ Nevertheless, he noted that there is a challenge in meeting bureaucratic tests:

⁷⁶² Evidence, Ms Shannon Burt, Director, Sustainable Environment and Economy, Byron Shire Council, 31 July 2018, p 31.

⁷⁶³ Evidence, Ms Jessica Ducrou, Co-Chief Executive Officer, Secret Sounds, 24 August 2018, p 23; Evidence, Mr Mat Morris, General Manager, North Byron Parklands, 31 July 2018, pp 25-26.

⁷⁶⁴ Evidence, Mr Mat Morris, General Manager, North Byron Parklands, 31 July 2018, pp 21-28; Evidence, Ms Jessica Ducrou, Co-Chief Executive Officer, Secret Sounds, 24 August 2018, pp 22-28.

⁷⁶⁵ Evidence, Mr Brandon Saul, Organiser/Promoter of Falls Festival, 31 July 2018, p 40.

The problem with it, to do some social good, is that once we have proved that whales are not beaching and birds are not coming out of the sky, which is what we have done, we should be able to use it. At the moment, for someone to be able to use the property, they have to acquit so many tests and bureaucratic processes that they will not be able to use it. I think that is a loss to the community.⁷⁶⁶

Tamworth

- 9.27** The committee heard evidence in Tamworth from representatives of country music festivals who praised the local council's support of the region's festivals.
- 9.28** Mr Chris Watson of Chris Watson Travel explained that their line dancing festival is held within existing venues, such as the West Tamworth Leagues Club, so the event falls within the development application of the relevant venue. Mr Watson noted that the support from the local council was 'fantastic'.⁷⁶⁷
- 9.29** In terms of regulation, Mr Watson found that 'APRA is hard to deal with'. For example, the committee heard that in the lead up to the festival, Mr Watson has to supply a list of songs to APRA that will be played over the five-day festival. While they have a blanket licence with APRA that covers their regular classes and weekly events, they need a separate licence for their annual event in May: 'The part that makes no sense about that is that we are already in a venue of the leagues club that has an APRA licence. We are carrying our own licence and blanket licences, but the leagues club already has one'.⁷⁶⁸
- 9.30** The Tamworth Country Music Festival is the town's key annual festival. It attracts 50,000 people a day across 10 days. There are over 2,500 scheduled events involving 700 individual artists and acts, and 100 venues.⁷⁶⁹
- 9.31** Mr Barry Harley, Manager Country Music and Festival Director at Tamworth Regional Council, described the festival as a 'unique festival' because 'no one entity owns it'. It is owned by a number of stakeholders including venues, artists, entrepreneurs and promoters. Mr Harley explained that the festival utilises a wide range of venues to host the festival, and the council's role is to bring together the different parts of the festival.^{770, 771}
- 9.32** Mr Craig Power of The Pub Group, noted that while the process for development applications can be lengthy, the council had been helpful in providing a three-year development application.⁷⁷²

⁷⁶⁶ Evidence, Mr Brandon Saul, Organiser/Promoter of Falls Festival, 31 July 2018, p 40.

⁷⁶⁷ Evidence, Mr Chris Watson, Chris Watson Travel, 13 September 2018, p 12.

⁷⁶⁸ Evidence, Mr Chris Watson, Chris Watson Travel, 13 September 2018, p 12.

⁷⁶⁹ Evidence, Mr Barry Harley, Manager Country Music and Festival Director for the Country Music Festival, Tamworth Regional Council, 13 September 2018, p 31.

⁷⁷⁰ Evidence, Mr Barry Harley, Manager Country Music and Festival Director for the Country Music Festival, Tamworth Regional Council, 13 September 2018, p 31.

⁷⁷¹ Evidence, Mr Barry Harley, Manager Country Music and Festival Director for the Country Music Festival, Tamworth Regional Council, 13 September 2018, p 31.

⁷⁷² Evidence, Mr Craig Power, The Pub Group, 13 September 2018, p 4.

- 9.33** However, he expressed frustration with the application process for extension of licenses.⁷⁷³ Alongside ongoing costs, such challenges affect the ability of hotel operators to continue to invest in live performances.⁷⁷⁴ He further explained:

[T]he issues with the authority in applying for the extension of licence during the festivals for hotels is a massive headache. Basically, you have to apply for 10 separate applications for each day. I have to do triplicates of that. I have to serve one at the council and one at the police. When you attend the council, they say they will not sign it because they feel like they do not know what they are signing and I am only serving the notice. The police are pretty much the same. Then depending on how the officer that you get views that extension, he will ring back and ask for different demands every year.

I will explain I have been applying for these applications for the past 10 years and it is the same application. They will reply with, "Well, it depends on the interpretation of the officer viewing it." ... I have these applications in within the period that I need to have them in. They do not give me a reply until four days before the event, whether I get the extension.⁷⁷⁵

- 9.34** While there was overwhelming support for the Tamworth Country Music Festival, the committee heard about some of challenges with the opportunities afforded to emerging and lesser known musicians.
- 9.35** Ms Rebecca Belt, Director of the Country Music Association of Australia, commented that the regional touring market has slowed down. In particular, it has been a struggle for lesser known artists who make their money through ticketing and have to manage their own advertising. This means that 'all the risk is on them and very little on the venues'.⁷⁷⁶
- 9.36** Ms Carolyne Morris from the Tamworth Songwriters Association was critical of the monopoly of bookings in the town, making it difficult for independent artists to secure bookings.⁷⁷⁷
- 9.37** Ms Morris also explained that Tamworth does not have a significant music presence outside of the annual festival. She suggested that an 'industry hub' be established where live music can be hosted every night and where visitors can find information on the region's music industry.⁷⁷⁸
- 9.38** Mr Peter Ross, Manager, Entertainment Venues at Tamworth Regional Council, supported this idea, referring to the possibility of a performance arts centre and cultural precinct for the town. He suggested it could involve the entertainment centre and conservatorium as well as a recording studio and other music related businesses.⁷⁷⁹

⁷⁷³ Evidence, Mr Craig Power, The Pub Group, 13 September 2018, p 3.

⁷⁷⁴ Evidence, Mr Craig Power, The Pub Group, 13 September 2018, p 3.

⁷⁷⁵ Evidence, Mr Craig Power, The Pub Group, 13 September 2018, p 5.

⁷⁷⁶ Evidence, Ms Rebecca Belt, Director, Country Music Association of Australia, 13 September 2018, p 19.

⁷⁷⁷ Evidence, Ms Carolyne Morris, Tamworth Songwriters Association, 13 September 2018, p 27.

⁷⁷⁸ Evidence, Ms Carolyne Morris, Tamworth Songwriters Association, 13 September 2018, p 28.

⁷⁷⁹ Evidence, Mr Peter Ross, Manager, Entertainment Venues, Tamworth Regional Council, 13 September 2018, p 36.

Proposals for reform

- 9.39** The committee heard evidence that festival operators in Victoria encounter less regulatory restrictions than those in New South Wales. For example, Mr Luke Logemann, Chief Creative Officer at UNIFIED Music Group, attributed the lack of red tape in organising their festival, UNIFY Gathering, to support from the local community: 'We have got everyone from the local police captain through to all the different councils, the footy club, the fire department—everybody loves us down there so we have actually found it pretty easy, to be honest'.⁷⁸⁰
- 9.40** Mr Matthew Rogers, Chief Executive Officer of UNIFIED Music Group, added that the liquor licensing is also 'easy to deal with and manage in the set of the festival'.⁷⁸¹ Mr Logemann also confirmed that after UNIFIED's second year, they secured development consent for five years.⁷⁸²
- 9.41** The committee was also informed that Creative Victoria runs a program which sees funding for key festivals in Victoria provided on a multi-year basis.⁷⁸³ Ms Jane Crawley, Director, Arts Investments at Creative Victoria, explained that under this program large festivals that can demonstrate 'organisational sustainability' are 'assured funding over four-year time frames'. As discussed earlier, the Melbourne Fringe Festival receives \$367,000 per year between 2017-2020.⁷⁸⁴ Creative Victoria also provides project-based funding, which is open to festivals.⁷⁸⁵
- 9.42** Echoing the suggestions by festival operators, Local Government NSW supported the streamlining of approval processes as a matter of priority.⁷⁸⁶ They further suggested that an advisory service would be 'helpful' for community, artistic and volunteer groups, and councils.⁷⁸⁷ Local Government NSW recommended that the government resource the *Easy to Do Culture* initiative to work across agencies to improve the approval processes, and advisory services, for cultural activities.⁷⁸⁸

Pop-up events

- 9.43** Similar to festivals, smaller pop-up events pose some challenges to organisers as well as the local community. The Australian Hotel Association expressed some concern around the use of pop-up venues for existing businesses:

Throughout NSW, small business operators have invested in their businesses, owning or leasing premises. In some circumstances these operators see pop-up or temporary

⁷⁸⁰ Evidence, Mr Luke Logemann, Chief Creative Officer, UNIFIED Music Group, 8 August 2018, p 24.

⁷⁸¹ Evidence, Mr Matthew Rogers, Chief Operating Officer, UNIFIED Music Group, 8 August 2018, p 24.

⁷⁸² Evidence, Mr Luke Logemann, Chief Creative Officer, UNIFIED Music Group, 8 August 2018, p 25.

⁷⁸³ Evidence, Ms Jane Crawley, Director, Arts Investment, Creative Victoria, 7 August 2018, pp 5-6.

⁷⁸⁴ Answers to supplementary questions on notice, Creative Victoria, received 7 September 2018, p 1.

⁷⁸⁵ Evidence, Ms Jane Crawley, Director, Arts Investment, Creative Victoria, 7 August 2018, p 5.

⁷⁸⁶ Submission 237, Local Government NSW, p 4.

⁷⁸⁷ Submission 237, Local Government NSW, p 7.

⁷⁸⁸ Submission 237, Local Government NSW, p 7.

operations commence, without the costs associated with property ownership/leasing. Should these types of approvals be granted, existing premises with ongoing overheads may find it more difficult to compete. By utilising funding to support regional music festivals using existing infrastructure such as currently being conducted by Live Music NSW, grouped performance venues in suburban and regional areas are able to support performances and provide commercial and tourism benefits for their areas.⁷⁸⁹

- 9.44** Wollongong City Council recognised the challenges of participating in pop-up events for local businesses whose main source of income is not entertainment. Mr Grimson highlighted the establishment of the small business assessment team at Wollongong City Council to assist such businesses:

I think part of the challenge ... is that when you are a small business operator planning is clearly not your background and there are complexities associated with that. That is one of the reasons that we at the Wollongong council established the small business assessment team which, I suppose, has been given permission to act in some instances to provide more flexibility and advice around what a small business operator needs to know about those kinds of things ... I think things are definitely getting better and I think the New South Wales Small Business Commissioner's office is now shining a spotlight on some of those areas and is making it a little easier for some of those agencies to do business in New South Wales. It is helping.⁷⁹⁰

- 9.45** Wollongong City Council recommended a more 'integrated approach to Planning Controls to support pop-up or multi-use live music and cultural venues'.⁷⁹¹

- 9.46** The Live Music Office supported the South Australian regulation which assesses buildings for smaller performance spaces by retail rather than theatre specifications.⁷⁹² They observed that Sydney Fringe Festival Director and CEO Kerri Glasscock has suggested that a pop-up retail conversion is more economically viable than hiring traditional theatre spaces.⁷⁹³

- 9.47** Mr Tarek Barakat, Director of Strategic Police, Research and Projects, Create NSW, commented that Create NSW is currently considering ways to facilitate small arts venues:

We looking at the merits of seeking a variation of the National Construction Code to facilitate small arts premises ...

...

We are also investigating alternative approval pathways for small arts venues and whether things like exempt and compliant development provisions could be developed to establish faster and less costly approval pathways.⁷⁹⁴

⁷⁸⁹ Submission 232, Australian Hotels Association NSW, pp 3-4.

⁷⁹⁰ Evidence, Mr Mark Grimson, Economic Development Manager, Wollongong City Council, 4 July 2018, p 4.

⁷⁹¹ Submission 281, Wollongong City Council, p 4.

⁷⁹² Submission 283, Live Music Office, p 21.

⁷⁹³ Submission 283, Live Music Office, p 22.

⁷⁹⁴ Evidence, Mr Tarek Barakat, Director of Strategic Policy, Research and Projects, Create NSW, 26 March 2018, p 8.

Availability and suitability of festival sites in Sydney

- 9.48** The committee heard evidence that the lack of quality large-scale infrastructure close to Sydney's CBD presents a challenge for festival organisers. Mr Roger Field, Chief Executive Office at Live Nation, explained that there is a limited number of potential festival locations in Sydney, and that the available sites are costly:

When we come to Sydney and we want to present something that is a bit less of an arena vibe and it is a much more relaxed environment or even a music festival, the options in Sydney are non-existent. It costs us a fortune to comply and every time we have a success, it feels like we have to start again when we want to do it again.⁷⁹⁵

- 9.49** Likewise, Mr Adam Jankie, Head of Government and Education at Mushroom Group, explained that running events in The Domain and Centennial Park are expensive due to costs associated with noise and preservation regulations.⁷⁹⁶

- 9.50** Mr Field noted that the construction of the light rail towards Moore Park would make Centennial Park a suitable venue for festivals. However, he argued that there are numerous hurdles and expenses up to 'hundreds of thousands of dollars' that have made this unfeasible so far:

[T]he level of fees that they charge are very high without necessarily providing any of the other services and items that we have to pay for over and above.

...

User-pays police is a debilitating cost ... Reparations at the park at times are challenging when we see the state in which we get the facility or it is handed to us and then we end up with all sorts of re-turfing charges and things when we hand it back ... I think the lack of a longer term strategic plan around it being a suitable space for these sorts of events means there is no ability to invest longer term in it being suitable and therefore the events are not coming anymore.⁷⁹⁷

- 9.51** Mr Field remarked that despite the potential of the site, the body governing Centennial Park is not motivated to activate the site accordingly.⁷⁹⁸ He suggested that a 'superstructure' is needed to oversee the use of the Moore Park precinct for all types of events to ensure the site reaches its full potential.⁷⁹⁹

- 9.52** Mr Field also noted the difficulties in using The Domain as a festival location including the lack of appropriate infrastructure as well as the restriction to use the site when another event is

⁷⁹⁵ Evidence, Mr Roger Field, Chief Executive Office, Live Nation, 7 August 2018, p 26.

⁷⁹⁶ Evidence, Mr Adam Jankie, Head of Government and Education, Mushroom Group, 8 August 2018, p 11.

⁷⁹⁷ Evidence, Mr Roger Field, Chief Executive Officer, Live Nation, 7 August 2018, p 27.

⁷⁹⁸ Evidence, Mr Roger Field, Chief Executive Officer, Live Nation, 7 August 2018, p 27.

⁷⁹⁹ Evidence, Mr Roger Field, Chief Executive Officer, Live Nation, 7 August 2018, p 30.

operating elsewhere in the trust's sites.⁸⁰⁰ Moreover, The Domain can only host six shows each year, further limiting its use for festivals.⁸⁰¹

9.53 A further concern for certain stakeholders was that Darling Harbour's Tumbalong Park may be difficult to use as an outdoor venue for commercial live music. Mr Field indicated that most weekends the site is dedicated to community festivals, so Live Nation would have to submit a festival proposal almost two years in advance to be considered. Mr Field also speculated that with the number of residents moving into Darling Tower close to the park, it could become harder to approve music events.⁸⁰²

9.54 Mr Field also argued that the lack of large infrastructure in Sydney's CBD and the location of Sydney's main arena in Homebush, Western Sydney impacts touring artists and their impression of Sydney:

I think most major touring artists are not necessarily going to completely bypass the State on the basis of having to go out to an arena in Western Sydney, but there is an argument that it diminishes the amount of business that they are able to do in Sydney because they are not accessing that market. When the Entertainment Centre was still standing some artists would do a number of events in the city and then some out in Western Sydney acknowledging that they are two separate markets ... When you aggregate those numbers they did much better out of New South Wales than they would have if they had just played one venue.⁸⁰³

9.55 Mr Field proposed that Sydney, as the biggest city in Australia, would benefit from an arena in the centre of the city that could host music events. He noted that it could be a multipurpose venue like Rod Laver Arena in Melbourne. In the absence of such an arena, he suggested that locations such as The Domain or Centennial Park should be used for inner-city events.⁸⁰⁴

Funding

9.56 As discussed in the earlier case studies, organising a festival is a costly feat. The operators of Illawarra Folk Festival and Bluesfest explained their difficulties in obtaining government grants.⁸⁰⁵

9.57 Mr Harley emphasised the importance of funding opportunities to the future of music in New South Wales. He explained that the local council invests \$2 million into Tamworth Country Music Festival, with \$900,000 of this funding deriving from sponsorship and funding from

⁸⁰⁰ Evidence, Mr Roger Field, Chief Executive Officer, Live Nation, 7 August 2018, p 27.

⁸⁰¹ Evidence, Mr Adam Jankie, Head of Government and Education, Mushroom Group, 8 August 2018, p 12.

⁸⁰² Answers to questions on notice, Mr Roger Field, Chief Executive Officer, Live Nation, 10 September 2018, pp 1-2.

⁸⁰³ Evidence, Mr Roger Field, Chief Executive Officer, Live Nation, 7 August 2018, p 28.

⁸⁰⁴ Evidence, Mr Roger Field, Chief Executive Officer, Live Nation, 7 August 2018, p 27.

⁸⁰⁵ Evidence, Mr Graeme Morrison, Secretary, Illawarra Folk Festival, p 31; Evidence, Mr Peter Noble, Director, Bluesfest Group of Companies, 31 July 2018, p 11.

Destination NSW. Mr Harley emphasised that 'we would not be able to sustain the intensity of the festival after 46 years if we did not have that government assistance'.⁸⁰⁶

- 9.58** Councillor Jess Scully from the City of Sydney commented that government departments are the only agencies that can afford large-scale events in Sydney:

All of the big public events that happen in Sydney and in New South Wales are funded by New South Wales taxpayers. They are the only ones who can afford the project management, the logistics and the huge costs to close roads and block off things and get the police involved ... The only people who can afford to put on culture is from the top down and not the bottom up...⁸⁰⁷

- 9.59** In 2017-2018, Create NSW provided \$7.6 million to festivals and organisations which present contemporary music. In addition, \$20,000 was provided to the Boomerang Festival, held by Bluesfest.⁸⁰⁸
- 9.60** Additionally, over the last three years, Destination NSW has invested over \$3.8 million in 38 events, festivals or conferences that support contemporary music. These events include the ARIA Awards, Deni Ute Muster, Electronic Music Conference, Harley Days, MTV Beats and Eats, Parkes Elvis Festival, Showtimes, Sydney International Piano Competition of Australia, Tamworth Country Music Festival, and Vanfest.⁸⁰⁹
- 9.61** Despite providing tailored support for festivals through the Arts and Cultural Development program,⁸¹⁰ inquiry participants encouraged the NSW Government to provide more funding and support for these events, particularly small-locally based activities and those in regional areas.⁸¹¹
- 9.62** Specifically, Ms Ducrou from Secret Sounds called for more government funding dedicated to contemporary music which is 'often overlooked in favour of fine arts'. She further outlined that despite contemporary music in festivals representing as much as 40 per cent or \$577 million of the live music industry, there is little financial support from the government.⁸¹²
- 9.63** In 2016-2017, Create NSW provided \$250,000 to the Live Music Office to support its Live and Local initiative.⁸¹³ Live and Local educates and supports councils to present live music events.⁸¹⁴

⁸⁰⁶ Evidence, Mr Barry Harley, Manager Country Music and Festival Director for the Country Music Festival, Tamworth Regional Council, 13 September 2018, p 32.

⁸⁰⁷ Evidence, Clr Jess Scully, Councillor, City of Sydney, 26 March 2018, p 18.

⁸⁰⁸ Answers to questions on notice, Create NSW, 2 May 2018, p 1.

⁸⁰⁹ Answers to questions on notice, Destination NSW, received 3 September 2018, pp 2-3.

⁸¹⁰ Evidence, Ms Grainne Brunson, Acting Executive Director, Create NSW, 26 March 2018, p 5.

⁸¹¹ Evidence, Clr Jess Scully, Councillor, City of Sydney, 26 March 2018, p 18; Submission 236, Regional Arts NSW, p 4; Submission 273, Tweed Shire Council, p 3.

⁸¹² Evidence, Ms Jessica Ducrou, Co-Chief Executive Officer, Secret Sounds, 24 August 2018, p 22.

⁸¹³ Answers to questions on notice, Create NSW, 2 May 2018, p 1.

⁸¹⁴ Evidence, Mr Dean Ormston, Chief Executive Officer, APRA AMCOS, 26 March 2018, p 28. Also see, Evidence, Mr Tarek Barakat, Director, Strategic Policy, Research and Projects, Create NSW, 26 March 2018, p 2.

Following the success of the initial program in western Sydney, the initiative received repeat funding and was widened to regional New South Wales.⁸¹⁵

- 9.64** In March 2018, Ms Lucy Joseph, Project Manager of the Western Sydney and Regional NSW Live and Local Micro Festival program for the Live Music Office, informed the committee about some of the notable features of the program:
- 18 councils across New South Wales had participated
 - approximately 500 different local musicians had been employed
 - the events had provided networking, capacity building, and data collection opportunities for musicians, local businesses, and councils, and provided a foundation for these parties to work together at other times
 - anecdotal feedback from major stakeholders, including venues, musicians and councils, suggested the program had activated more grassroots live music in their area.⁸¹⁶
- 9.65** The committee heard that as at September 2018, Live and Local had supported 66 events, performances from 1,359 musicians, 262 venues have hosted 852 performances, and an estimated audience of 53,000 people.⁸¹⁷
- 9.66** Wagga Wagga Council was a recipient of this funding in 2018 for their micro festival Fitz Live. The council said that initiatives such as these 'demonstrate a renewed commitment by the NSW Government in support arts, music and cultural venues', and the 'continual evolution of spaces available for regional creative industries in New South Wales'.⁸¹⁸
- 9.67** Tweed Shire Council also received a grant through the Live and Local initiative. Mr David Burgener, Community Development Officer – Cultural Planning, Community and Cultural Services, Tweed Shire Council, was supportive of the initiative, commenting that 'music had not really been on the radar prior to this'.⁸¹⁹ He also highlighted the program's capacity to help build relationships with musicians, venues and peak bodies such as the Live Music Office and MusicNSW.⁸²⁰

⁸¹⁵ Evidence, Mr Dean Ormston, Chief Executive Officer, APRA AMCOS, 26 March 2018, p 28.

⁸¹⁶ Evidence, Ms Lucy Joseph, Project Manager, Western Sydney and Regional NSW Live and Local Micro Festival program, Live Music Office, 26 March 2018, pp 55-56. Also see, Evidence, Mr David Burgener, Community Development Officer—Cultural Planning, Community and Cultural Services, Tweed Shire Council, 31 July 2018, p 5; Evidence, Ms Grainne Brunson, Acting Executive Director, Create NSW, 26 March 2018, p 5; Submission 212, Liverpool City Council, p 3.

⁸¹⁷ Evidence, Ms Alex O'Mara, Deputy Secretary, Create NSW, 27 September 2018, p 3.

⁸¹⁸ Submission 239, Wagga Wagga Council, p 4.

⁸¹⁹ Evidence, Mr David Burgener, Community Development Officer – Cultural Planning, Community and Cultural Services, Tweed Shire Council, p 2.

⁸²⁰ Evidence, Mr David Burgener, Community Development Officer – Cultural Planning, Community and Cultural Services, Tweed Shire Council, p 2.

- 9.68** As discussed in Chapter 2, there was enthusiastic support for the Live Music Office, and stakeholders advocated that Create NSW provide ongoing funding to the Live and Local initiative.⁸²¹
- 9.69** In evidence, Create NSW acknowledged the positive feedback received for the Live and Local initiative and indicated that the program will continue to be funded this year.⁸²²

Committee comment

- 9.70** The committee is concerned at the perception that only publicly funded events and organisations are able to afford the cost, and navigate the regulatory burden of delivering events in New South Wales.
- 9.71** The committee recognises the importance of festivals to the music and arts ecosystem in New South Wales. We are disheartened to hear of the challenges experienced by festival operators, particularly considering the social and economic benefits festivals can offer to local communities. In particular, the committee is concerned by the level of red tape encountered by the Illawarra Folk Festival, Bluesfest and North Byron Parklands. The committee also appreciates the frustration experienced in making annual licensing applications for regular festivals that do not change significantly year after year.
- 9.72** The committee acknowledges the significant financial risk, such as securing artists and investing in their sites, taken on by festival operators prior to staging their events. It is unacceptable that these operators are required to undertake these activities without any permanent tenure.
- 9.73** The committee is supportive of the continuing operation of the North Byron Parklands as a festival site. The committee recommends that the NSW Department of Planning and Environment should ensure that the outstanding planning application is determined by the end of 2018.

Recommendation 53

That the NSW Department of Planning and Environment should ensure that the outstanding planning application is determined by the end of 2018.

- 9.74** It is reassuring to hear that local councils such as the Wollongong City Council and the Byron Bay Shire Council have taken the initiative to streamline regulatory processes. In particular, the committee appreciates the model adopted by the Byron Bay Shire Council that has created a centralised and specialised role for music and arts events in the local community. The committee encourages other councils to take similar steps to make development applications easier for festival operators, including the possibility for permanent or ongoing approval for regular festivals.

⁸²¹ Submission 283, Live Music Office, p 7; Submission 236, Regional Arts NSW, p 3; Submission 273, Tweed Shire Council, p 2; Submission 239, Wagga Wagga City Council, p 4.

⁸²² Evidence, Ms Alex O'Mara, Deputy Secretary, Create NSW, 27 September 2018, p 8.

- 9.75** However, the committee also recognises the challenges for local governments to assist festival operators while facing their own regulatory hurdles at the state level. As discussed in Chapter 6, the committee recommends that the government centralise processes at the state level to enhance consistency.
- 9.76** While we are encouraged by the steps taken by some local governments, the committee recognises that the music and arts industry can benefit from further support. The Live Music Office's Live and Local initiative has been received well by local communities. Therefore, we recommend that Create NSW continue to fund the Live and Local initiative and expand it to more regional towns.

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.

- 9.77** The committee acknowledges that, despite its significant contribution to the music and arts ecosystem, the Sydney Fringe Festival receives little funding, in comparison to the Melbourne Fringe Festival which is guaranteed \$367,000 per year between 2017 and 2020. We therefore recommend that the NSW Government increase funding to the Sydney Fringe Festival, noting that the Melbourne Fringe Festival receives \$367,000 per annum.

Recommendation 55

That the NSW Government increase funding to the Sydney Fringe Festival, noting that the Melbourne Fringe Festival receives \$367,000 per annum.

- 9.78** The committee is disappointed to receive evidence about the complexity of finding a festival site in Sydney. Festivals are crucial to the contemporary music ecosystem, and while we did not receive enough evidence to identify the most appropriate location for a permanent festival site, we recommend that the NSW Government, in collaboration with the City of Sydney, investigate and identify a possible permanent festival site in Inner Sydney with consideration given to The Domain, Centennial Park and Tumbalong Park.

Recommendation 56

That the NSW Government, in collaboration with the City of Sydney, investigate and identify a possible permanent festival site in Inner Sydney.

Chapter 10 Commercial radio, community radio and streaming services

This chapter first examines the role of commercial radio in promoting local music, including concerns that broadcasters are not fulfilling their Australian content requirements. Secondly, it considers the vital role of community radio and discusses opportunities to increase the prominence of these stations. Finally, the chapter concludes by examining how streaming services promote Australian artists and content.

Commercial radio

10.1 The committee heard that commercial radio plays an important role in supporting and promoting Australian artists and their music. For example, Mr Dan Rosen, Chief Executive Officer of ARIA, said that radio is 'a very successful and important part of the mix in music'.⁸²³ Likewise, Ms Emily Collins, Managing Director of MusicNSW, stated: 'Radio plays a really crucial part in that ecosystem and allows artists to go to new places and be supported by fans'.⁸²⁴

10.2 Commercial Radio Australia informed the committee that 95 per cent of Australians listen to the radio every week, and of this number 80 per cent listen to commercial radio.⁸²⁵ Following on, Ms Joan Warner, Chief Executive Officer of Commercial Radio Australia, commented that radio can 'accelerate and amplify a career' of an Australian artist should their song be 'picked up' by commercial stations.⁸²⁶

10.3 The committee heard that this was the experience of electronic dance duo Peking Duk. Mr Ben Dennis, Manager of Peking Duk, told the committee that when the duo's single 'High' was picked up by commercial radio there was an immediate increase in sales and streams:

In early 2014, Peking Duk released its single "High", and the band was lucky enough to have this track added to many commercial radio stations in Australia. The results of this support had an immediate domino effect. The single shot up the charts to fifth place and to this day has had well over 300,000 sales or equivalent streams. None of this would have been possible without the support of commercial radio.⁸²⁷

10.4 Mr Dennis observed that the continued support of key commercial radio stations, and regional commercial stations, has allowed Peking Duk to grow its fan base which has led to them performing larger shows and employing more people.⁸²⁸

⁸²³ Evidence, Mr Dan Rosen, Chief Executive Officer, ARIA, 26 March 2018, p 61.

⁸²⁴ Evidence, Ms Emily Collins, Managing Director, MusicNSW, 26 March 2018, p 34.

⁸²⁵ Evidence, Ms Joan Warner, Chief Executive Officer, Commercial Radio Australia, 28 May 2018, p 11.

⁸²⁶ Evidence, Ms Joan Warner, Chief Executive Officer, Commercial Radio Australia, 28 May 2018, p 12.

⁸²⁷ Evidence, Mr Ben Dennis, Manager, Peking Duk, 7 August 2018, p 40.

⁸²⁸ Evidence, Mr Ben Dennis, Manager, Peking Duk, 7 August 2018, p 40.

Australian content requirements on commercial radio

- 10.5** Commercial radio is governed by the *Broadcasting Service Act 1992* (Cth). In accordance with the Act, the Commercial Radio Code of Practice must comply with certain requirements, including the broadcast of Australian content, and be approved by the Australian Communication and Media Authority (ACMA).⁸²⁹ In turn, commercial radio must comply with the code.
- 10.6** The most recent code was registered in March 2017. Section 5 of the code sets out a range of requirements regarding the broadcast of Australian content, including:
- licensees must play the applicable proportion of music performed by Australians during the Australian Performance Period
 - Australian Performance Period means the total period of 126 hours occurring in each week between the hours of 6.00am and 12.00 midnight daily
 - Australian means a person who is a citizen of or ordinarily resident in Australia
 - the applicable portion of total time is determined based upon the predominant format of the licensee's service and ranges from 0 (e.g. talk stations) to 25 per cent (e.g. Top 40 stations)
 - there are additional obligations for some categories of station (A, B and C) to play New Australian Performances as a proportion of their total Australian performances (section 5.3); and
 - New Australia Performances means a sound recording of a previously unpublished performance performed by an Australian, which has been on sale for a period not exceeding 12 months from the date recorded in the ARIA Report as the date of its initial release in Australia.⁸³⁰
- 10.7** Digital-only services are exempt from the provisions of section 5 of the code and therefore have no Australian music obligations.⁸³¹
- 10.8** Stakeholders expressed some concerns about whether commercial radio stations are appropriately fulfilling their Australian content requirements, including:
- stations are 'failing' to meet their licensing condition to play 25 per cent local content⁸³²
 - stations are playing Australian content late at night, for example between 11.00 pm – 12.00 am.⁸³³
- 10.9** Mr Lachlan Macara, Content Manager at triple j Unearthed and Hack, said it was disappointing to hear that commercial radio stations are not fulfilling their Australian quota requirements:

It is a shame to me, as Content Manager of triple j, that there is such a gulf between the amazing community that we have of young Australians who support and love Australian music ... and what we are seeing with commercial radio and moves there to step away from an obligation to play Australian music.⁸³⁴

⁸²⁹ Submission 417, Commercial Radio Australia, p 2.

⁸³⁰ Submission 417, Commercial Radio Australia, pp 2-3.

⁸³¹ Submission 417, Commercial Radio Australia, p 3.

⁸³² Evidence, Ms Brooke McClymont, Artist, The McClymonts, 26 March 2018, p 29.

⁸³³ Evidence, Mr Ben Dennis, Manager, Peking Duk, 7 August 2018, p 41.

⁸³⁴ Evidence, Mr Lachlan Macara, Content Manager, triple j Unearthed and Hack, triple j, 14 September 2018, p 40.

- 10.10** The committee also heard that it is difficult to get new and emerging artists played on commercial radio.⁸³⁵ Stakeholders argued that the alleged non-compliance and the lack of air time for new artists reduces audiences exposure to Australian music which in turn has undermined the artists' market share.⁸³⁶
- 10.11** Commercial Radio Australia refuted claims that commercial radio stations are not meeting their Australian content quotas, stating: 'Commercial radio continues to support and promote the broadcast of Australian music in accordance with its regulatory obligations'.⁸³⁷ They further argued that 'the prevailing view – both in the commercial radio industry and music industries – is that commercial radio is 'generally compliant with the existing local content obligations under the Code'.⁸³⁸
- 10.12** Commercial Radio Australia noted that the self-reported figures provided by the commercial radio stations, and published by ARIA, indicate 'substantial compliance' with Australian content requirements.⁸³⁹ Moreover, Commercial Radio Australia said it not aware of any complaints regarding commercial radio compliance with Australian music obligations having been made to the ACMA.⁸⁴⁰
- 10.13** Ms Joan Warner, Chief Executive Officer of Commercial Radio Australia, said that it is 'speculation' that Australian music is played on radio stations late at night. She added: 'We would resist that. Our stations have always supported Australian music and play it throughout the day'.⁸⁴¹
- 10.14** Commercial Radio Australia told the committee that it provides annual reports to ARIA detailing Australian music use in the commercial radio industry.⁸⁴² Commercial Radio Australia, ARIA and APRA AMCOS are currently working cooperatively to monitor compliance with the Australian music quotas in the Code in greater detail.⁸⁴³

Committee comment

- 10.15** The committee notes the important role that commercial radio plays in the music ecosystem. Having a song played on the radio provides an excellent opportunity for all artists, particularly

⁸³⁵ Evidence, Ms Emily Collins, Managing Director, MusicNSW, 26 March 2018, p 34; Submission 55, Yo-Yo Enterprises, p 4.

⁸³⁶ Evidence, Ms Brooke McClymont, Artist, The McClymonts, 26 March 2018, p 29.

⁸³⁷ Submission 417, Commercial Radio Australia, p 1.

⁸³⁸ Submission 417, Commercial Radio Australia, p 2 quoting APRA AMCOS submission to the Senate Standing Committee Inquiry into the economic and cultural value of Australian content on broadcast radio and streaming services (Feb 2018), p 5.

⁸³⁹ Submission 417, Commercial Radio Australia, p 3.

⁸⁴⁰ Submission 417, Commercial Radio Australia, p 3. Also see, Evidence, Ms Joan Warner, Chief Executive Officer, Commercial Radio Australia, 28 May 2018, p 8.

⁸⁴¹ Evidence, Ms Joan Warner, Chief Executive Officer, Commercial Radio Australia, 28 May 2018, p 9.

⁸⁴² Submission 417, Commercial Radio Australia, p 3.

⁸⁴³ Submission 417, Commercial Radio Australia, p 3. Also see, Evidence, Mr Dan Rosen, Chief Executive Officer, ARIA, 26 March 2018, p 61.

new and emerging performers, to develop their audience base and share their stories with the community.

- 10.16** The committee supports the Australian content requirements that are embedded in the Commercial Radio Code of Practice and note that despite assertions made during the inquiry, commercial radio has been found to be substantially compliant with these requirements. However, we note that these are simply minimum requirements, and encourage commercial radio stations to consider opportunities to foster and support Australian artists.

Community radio

- 10.17** There are more than 100 community radio stations in New South Wales and the committee heard that in July 2018 community radio reported its highest listening levels – that is, 5.7 million Australians tuned in each week to the more than 450 not-for-profit, independent, community-owned and operated radio services.⁸⁴⁴ These stations are regulated and funded by the Commonwealth Government.⁸⁴⁵
- 10.18** The Community Broadcasting Association of Australia explained that its business model places an inherent value on the promotion of Australian music:

Because of its different business model, community radio not only fills gaps that the national broadcasters and commercials cannot but also actively champions local music and contributes to the health and vitality of local music scenes. This dedication and passion for local music and the local music industry is ingrained in a station's radio licence, which stipulates that community radio shall support local and underrepresented news, perspectives, music and culture. There is an inherent value placed on local and Australian music. Grassroots culture and community radio are intertwined.⁸⁴⁶

- 10.19** Mr Jon Bisset, Chief Executive Officer of Community Broadcasting Association of Australia, echoed these comments, noting: 'No less than 36 per cent of music played on community radio is performed by Australian artists'.⁸⁴⁷
- 10.20** Inquiry participants emphasised the vital role that community radio plays in providing emerging artists with an accessible platform through which to promote their music.⁸⁴⁸ For example, Mr Patrick Donovan, Chief Executive Officer of Music Victoria, said:

Community radio is absolutely huge, the importance cannot be understated. Obviously, with the internet now it is a lot easier for bands to share information about their careers and their recordings and tours directly with fans, but community radio, Triple R and PBS have huge numbers of subscribers. I am in a band; you can send a demo, you can

⁸⁴⁴ Evidence, Mr Jon Bisset, Chief Executive Officer, Community Broadcasting Association of Australia, 24 August 2018, p 51.

⁸⁴⁵ Evidence, Mr Jon Bisset, Chief Executive Officer, Community Broadcasting Association of Australia, 24 August 2018, p 51.

⁸⁴⁶ Evidence, Mr Jon Bisset, Chief Executive Officer, Community Broadcasting Association of Australia, 24 August 2018, p 51.

⁸⁴⁷ Evidence, Mr Jon Bisset, Chief Executive Officer, Community Broadcasting Association of Australia, 24 August 2018, p 51.

⁸⁴⁸ Submission 283, Live Music Office, p 7.

send an MP3 file to one of the shows because they know that they are playing your type of music and they will play your music. You can sell out shows based on just sending your music—with no publicist, with no label—directly to these people because they are volunteers and they have genre-specific shows. Bands can maintain a career just by having a relationship with community radio.⁸⁴⁹

- 10.21** Likewise, Mr Bisset said: 'Community radio is a vital layer in the New South Wales music and arts economy. More than 100 community stations provide an avenue for local musicians and artists to be broadcast on airwaves across the state'.⁸⁵⁰ Mr Bisset noted that community radio often supports new and emerging artists, some of whom go on to be internationally renowned:

It is a common story that local artists get their first radio play on community radio. It can be the start of long careers with continued support from community broadcasters, including world-wide number one acts Gotye and Hermitude, who were first played on Sydney's 2SER, and Wolfmother was first played on FBi Radio.⁸⁵¹

- 10.22** The Community Broadcasting Association of Australia remarked that 'community radio ... also serves as a catalyst for building diverse and passionate music and arts communities. These communities support vibrant live music and arts scenes and the venues that host them across the State'.⁸⁵² The committee also heard that community radio can help foster the regional touring network.⁸⁵³

- 10.23** Despite the important role of this sector, the committee received evidence that community radio struggles to provide its services and events. For example, Mr Andrew Khedoori, Manager, Australian Music Radio Airplay Project at the Community Broadcasting Association of Australia, said:

Community radio stations around New South Wales are putting on their own events through their own resources. There is only so much that they can do, but if you look at a station like FBi or 2SER, where I have come from, they are putting on local music events quite a lot, but really scraping it to do so. There is no support whatsoever from the Government to make this happen or to make it flourish.⁸⁵⁴

- 10.24** In addition, Ms Nikki Brogan, Managing Director of FBi Radio, commented that community radio stations in Sydney are experiencing the same concerns about being 'priced out of the market' as live music venues.⁸⁵⁵

⁸⁴⁹ Evidence, Mr Patrick Donovan, Chief Executive Officer, Music Victoria, 7 August 2018, p 14.

⁸⁵⁰ Evidence, Mr Jon Bisset, Chief Executive Officer, Community Broadcasting Association of Australia, 24 August 2018, p 51.

⁸⁵¹ Evidence, Mr Jon Bisset, Chief Executive Officer, Community Broadcasting Association of Australia, 24 August 2018, p 51.

⁸⁵² Evidence, Mr Jon Bisset, Chief Executive Officer, Community Broadcasting Association of Australia, 24 August 2018, p 51.

⁸⁵³ Evidence, Mr Andrew Khedoori, Manager, Australian Music Radio Airplay Project, Community Broadcasting Association of Australia, 24 August 2018, p 54

⁸⁵⁴ Evidence, Mr Andrew Khedoori, Manager, Australian Music Radio Airplay Project, Community Broadcasting Association of Australia, 24 August 2018, p 52.

⁸⁵⁵ Evidence, Ms Nikki Brogan, Managing Director FBi Radio, 24 August 2018, p 53.

- 10.25** The case study below details the experience of FBi Radio, a community radio station operating in Sydney.

Case study: FBi Radio⁸⁵⁶

FBi Radio is a champion of Sydney music and arts culture. In fact, international sensation Wolfmother first played on FBi.

The station plays 50 per cent Australian music, with half of that coming from Sydney. Each week 20 tracks are added to the station's playlist, and 50 per cent of those are Australian and from Sydney.

In 2017, 69 of the top 100 tracks that FBi played were from Australian artists, and 42 of those were from Sydney.

The station is listener funded and attracts revenue through sponsorship and working with partners. The station regularly holds fundraising drives where listeners can call in and donate money to support operations. Indeed, very little operational funding, approximately 5 per cent, comes from government grants that station has to apply for.

Like other creative organisations, cost pressures have resulted in FBi struggling to maintain its premises in Sydney.

- 10.26** Following on, Mr Bisset observed that it is 'really important' for the state government to create a supportive environment for community radio.⁸⁵⁷ He suggested that the government could help sustain the industry by placing government advertising on community radio.⁸⁵⁸

Committee comment

- 10.27** The committee acknowledges the critical role that community radio plays in supporting new and emerging Australian talent, and fostering crucial links between artists and communities.
- 10.28** The committee was impressed by the community radio organisations' ability to provide such an important service with so little funding. The committee notes that community radio is regulated and funded by the Commonwealth Government, however more could be done to support local stations that are working hard to support local musicians and, in turn, our state's vibrant culture and healthy economy.
- 10.29** To ensure that New South Wales artists have access to a community radio network that is suitably resourced to promote and develop our local music scene, the committee recommends that the NSW Government allocate funding to community radio stations in New South Wales, on top of that already provided by the Commonwealth Government, either under a new community radio grants scheme or as part of the contemporary music funding package recommended at Recommendation 8. This funding would be used to meet the costs of the building new broadcast infrastructure and to foster live events and radio content that supports new music.

⁸⁵⁶ Evidence, Ms Nikki Brogan, Managing Director FBi Radio, 24 August 2018, p 52.

⁸⁵⁷ Evidence, Mr Jon Bisset, Chief Executive Officer, Community Broadcasting Association of Australia, 24 August 2018, p 51.

⁸⁵⁸ Evidence, Mr Jon Bisset, Chief Executive Officer, Community Broadcasting Association of Australia, 24 August 2018, p 53.

- 10.30** The committee further recommends that the NSW Government investigate opportunities to amend advertising guidelines to encourage government advertising on community radio stations, where appropriate.

Recommendation 57

That the NSW Government allocate funding to community radio stations in New South Wales to foster new music and meet the costs of building suitable broadcast infrastructure, either under a new community radio grants scheme or as part of the contemporary music funding package recommended at Recommendation 8.

Recommendation 58

That the NSW Government investigate opportunities to amend advertising guidelines to encourage government advertising on community radio stations, where appropriate.

triple j

- 10.31** triple j is the national youth broadcaster, a role that Mr Lachlan Macara, Content Manager, triple j Unearthed and Hack, acknowledged is a significant responsibility:

I think I speak on behalf of everyone at triple j when I say that we take that responsibility really seriously. We understand as the national youth broadcaster that we have to be looking and sounding like young people around the country. We are really proud of the work that we do but we are only as strong as the people who listen and get around Australian music as much as we do.⁸⁵⁹

- 10.32** Mr Macara explained that triple j places an emphasis on broadcasting Australian music, often 'smashing' its self-imposed quota of 40 per cent Australian music, and ensures that its content is relevant to people aged 18-24 anywhere in the country.⁸⁶⁰

- 10.33** Stakeholders noted the important role the station plays in promoting new and emerging talent and creating a music community.⁸⁶¹ For example, Mr Scott Baldwin from band The Rubens, said:

... triple j ... is very good for Australia and for artists coming through and it creates this Australian community of music that is very powerful ... triple j does such a good job at harnessing new music, creating that vibe, creating awareness to everyone to go to festivals. They sponsor tours and things like that ...⁸⁶²

⁸⁵⁹ Evidence, Mr Lachlan Macara, Content Manager, triple j Unearthed and Hack, triple j, 14 September 2018, p 41.

⁸⁶⁰ Evidence, Mr Lachlan Macara, Content Manager, triple j Unearthed and Hack, triple j, 14 September 2018, p 40.

⁸⁶¹ Evidence, Mr Patrick Donovan, Chief Executive Officer, Music Victoria, 7 August 2018, p 14; Evidence, Mr Ben Dennis, Manager, Peking Duk, 7 August 2018, p 42.

⁸⁶² Evidence, Mr Scott Baldwin, Artist, The Rubens, 24 August 2018, p 34.

- 10.34** Unerthed is a triple j initiative that exists across multiple platforms to promote new artists. Mr Dave Ruby Howe, Music Director of triple j Unerthed, explained how Unerthed operates:

It is a platform for people who want to discover new music and people who love Australian music and who want to find something exciting that they have never heard. It is also for artists to share their music with that community, with triple j, because we are all definitely plugged into it and searching for the next Amy Shark or the next Flume. We are looking for the next artist who will break big and make our audience go crazy.⁸⁶³

- 10.35** The committee heard that there are more than 80,000 artists on Unerthed at the moment,⁸⁶⁴ and Unerthed receives approximately 500-plus songs every week from unsigned and independent musicians.⁸⁶⁵ For example, Australian artist G Flip recently found success after uploading her music to Unerthed.⁸⁶⁶ Mr Ruby Howe discussed G Flip's career pathway, including performing overseas, since appearing on the program:

She uploaded her song and in a matter of days it was played on triple j. The effect was global; she was on *pitchfork.com*, which is a huge and very influential music critiquing site. *The Project* also did a piece on her and she was playing at South by Southwest, which is a huge event in Austin, Texas, mere months after she emerged with a debut song. It can happen really quickly and not just at the local level. The pathways to the international level are there and present.⁸⁶⁷

Committee comment

- 10.36** The committee commends the excellent work of triple j, particularly the Unerthed initiative, and acknowledges the significant contribution the national broadcaster has made to Australian contemporary music.

Streaming services

- 10.37** Streaming services provide consumers – either via a small subscription fee or via a free advertising-supported offering – access to most recorded music. These services allow consumers to tailor their playlists and offer curated playlists. The four main streaming services in Australia are Spotify, Apple, Google and Amazon.

⁸⁶³ Evidence, Mr Dave Ruby Howe, Music Director, triple j Unerthed, triple j, 14 September 2018, p 39.

⁸⁶⁴ Evidence, Mr Lachlan Macara, Content Manager, triple j Unerthed and Hack, triple j, 14 September 2018, p 38.

⁸⁶⁵ Evidence, Mr Dave Ruby Howe, Music Director, triple j Unerthed, triple j, 14 September 2018, p 38.

⁸⁶⁶ Evidence, Ms Anna Burns, Future Classic, 26 March 2018, p 77.

⁸⁶⁷ Evidence, Mr Dave Ruby Howe, Music Director, triple j Unerthed, triple j, 14 September 2018, p 38.

10.38 ARIA explained that despite facing significant challenges following the introduction of digital piracy in 1999,⁸⁶⁸ the advent of streaming services has been central to the recent resurgence of the recording industry:

The key factor driving the industry's return to growth has been the adoption of online streaming services by consumers who are able to access either paid subscription or advertising supported service offerings. The proliferation and adoption by the public of these services has meant that Australians are now able to easily access the history of recorded music whenever and wherever they want ...⁸⁶⁹

10.39 Mr Dan Rosen, Chief Executive Officer of ARIA, noted: 'Our revenues are now made up from 75 per cent of digital services, the majority of which come from streaming services that did not effectively exist five years ago'.⁸⁷⁰ Ms Emily Collins, Managing Director of MusicNSW, remarked that streaming rates indicate that there is a 'huge appetite' for music consumption, particularly by young people.⁸⁷¹

10.40 Stakeholders stated that streaming services can discover, support and promote Australian music in a variety of ways, such as:

- including local content on their curated playlists and gig guides⁸⁷²
- supporting performance opportunities for new and emerging Australian artists
- supporting festivals
- promoting Australian artists in editorial meetings with international counterparts⁸⁷³
- providing data to artists which sets out their most popular songs and the geographic areas in which their fans are most concentrated.⁸⁷⁴

10.41 Streaming services also provide data that assists artists to plan performances and tours.⁸⁷⁵ Indeed, Ms Jane Huxley, Managing Director of Spotify, said she would welcome the opportunity to partner with government to teach artists and managers how to infer greater insights from this data.⁸⁷⁶

10.42 A key concern raised during the inquiry was the inclusion of, and access to, Australian content on their streaming playlists. For example, ARIA stated: '[while] there are minimal barriers preventing local music being made available on these services ... the challenge is having local

⁸⁶⁸ See, Evidence, Mr Dan Rosen, Chief Executive Officer, ARIA, 26 March 2018, p 58; Evidence, Mr Rennie Addabbo, Country Director, Sonos Australia and New Zealand, 26 March 2018, pp 40-41.

⁸⁶⁹ Submission 254, ARIA, p 3.

⁸⁷⁰ Evidence, Mr Dan Rosen, Chief Executive Officer, ARIA, 26 March 2018, p 58.

⁸⁷¹ Evidence, Ms Emily Collins, Managing Director, MusicNSW, 26 March 2018, p 37.

⁸⁷² Evidence, Mr Dan Rosen, Chief Executive Officer, ARIA, 26 March 2018, p 60; Evidence, Mr Dean Ormston, Chief Executive Officer, APRA AMCOS, 26 March 2018, p 27; Evidence, Mr Scott Baldwin, Artist, The Rubens, 24 August 2018, p 32.

⁸⁷³ Evidence, Mr Ben Dennis, Manager, Peking Duk, 7 August 2018, p 41. Also see, Evidence, Mr Dan Rosen, Chief Executive Officer, ARIA, 26 March 2018, p 60.

⁸⁷⁴ Evidence, Mr Ben Dennis, Manager, Peking Duk, 7 August 2018, p 43.

⁸⁷⁵ Evidence, Mr Ben Dennis, Manager, Peking Duk, 7 August 2018, p 43.

⁸⁷⁶ Evidence, Ms Jane Huxley, Managing Director, Spotify, 24 August 2018, p 6.

music discovered within each of these extensive services, via organic search or the curated playlists'.⁸⁷⁷

- 10.43** Mr Greg Carey, Artist Manager of The Rubens, and Co-chair, Association of Artist Managers, explained that international artists dominate global play lists, making it extremely hard for local talent to be noticed by other industry parties such as overseas record labels and commercial radio, potentially limiting their audience reach.⁸⁷⁸
- 10.44** Neither Spotify or Amazon were able to identify for the committee the number of Australian subscribers accessing their service.⁸⁷⁹ Ms Huxley said that she would be 'open to having a discussion' about what greater transparency in this area would look like with Spotify head office in Stockholm.⁸⁸⁰
- 10.45** Despite assurances from streaming services, including Spotify and Amazon, that Australian content features predominately on their playlists,⁸⁸¹ neither organisation could provide specifics on how much Australian music is streamed on their services.⁸⁸²
- 10.46** There was a suggestion during the inquiry that streaming services should have a voluntary 25 per cent Australian content requirement on locally curated playlists. However, Ms Huxley suggested this type of requirement would be contrary to the service's business model:

We feel that imposing that level of commitment would be contrary to the purpose of an on-demand service. We have tried very hard to create a platform that responds individually to the listeners and we are not prescriptive around the taste of the individuals who listen on Spotify.⁸⁸³

- 10.47** Similarly, Mr Matt Levey, Manager, International Public Policy—Australia/New Zealand at Amazon, said that the nature of streaming services would render a quota impractical:

Because streaming services like Amazon Music have unlimited shelf space and multiple ways for customers to navigate content, the concept of percentage based quotas for curated content is not practical ...

... playlists are one of many ways that customers can navigate Amazon Music, along with searching, browsing and reviewing recommendations and we do not classify tracks by source or country-based creator. Attempting to impose a percentage based quota

⁸⁷⁷ Submission 254, ARIA, p 3.

⁸⁷⁸ Evidence, Mr Greg Carey Artist Manager, The Rubens, and Co-chair, Association of Artist Managers, 24 August 2018, p 33.

⁸⁷⁹ Evidence, Ms Jane Huxley, Managing Director, Spotify, 24 August 2018, pp 3-4; Evidence, Mr Matt Levey, Manager, International Public Policy—Australia/New Zealand, Amazon, 24 August 2018, p 11.

⁸⁸⁰ Evidence, Ms Jane Huxley, Managing Director, Spotify, 24 August 2018, p 4.

⁸⁸¹ See, Evidence, Ms Jane Huxley, Managing Director, Spotify, 24 August 2018, p 4; Evidence, Mr Matt Levey, Manager, International Public Policy—Australia/New Zealand, Amazon, 24 August 2018, p 10.

⁸⁸² See, Evidence, Ms Jane Huxley, Managing Director, Spotify, 24 August 2018, p 4.

⁸⁸³ Evidence, Ms Jane Huxley, Managing Director, Spotify, 24 August 2018, p 5.

into this customer experience, whether voluntary or mandatory, would not provide any benefit to local artists or customers.⁸⁸⁴

10.48 Sounds Australia told the committee that it is undertaking a range of activities, including developing curated playlists across multiple platforms, and engaging with social media, to promote Australian artists.⁸⁸⁵

10.49 Other issues raised in relation to streaming services included:

- the amount of money returned to artists when their music is streamed⁸⁸⁶
- the need for the Australian Government to provide a 'strong, balanced and flexible' copyright framework to provide certainty for creators and other copyright owners, and licensees, who engage with streaming services⁸⁸⁷
- the limited number of streaming sites⁸⁸⁸
- the viability of a national streaming services.⁸⁸⁹

10.50 Inquiry participants argued that the need to develop and maintain audiences via streaming services underscores the importance of investing in music infrastructure to ensure Australian artists thrive. Mr Rosen from ARIA observed:

The danger is if we do not invest in our local infrastructure and ecosystem we will not have those local stories being told. In a global streaming world, that is a massive chance. ... If we do not invest in our local voices and stories here then they will not be able to be told for the next generation.⁸⁹⁰

10.51 Likewise, Mr Rennie Addabbo, Country Director of Sonos Australia and New Zealand, argued that while the success of streaming services is important for musicians and artists, it is critical to simultaneously provide a healthy ecosystem for their performances outside of digital platforms – that is, maintaining rehearsal and performance spaces to encourage engagement with audiences.⁸⁹¹

10.52 Mr Julian Knowles, Chair of MusicNSW, stated that while it was vital for artists to access streaming, there was no substitute for developing a 'huge groundswell through a live show':

... there are new challenges for musicians now because, in a sense, the big influences are often the big streaming networks that are globally run and Australian artists have to

⁸⁸⁴ Answers to questions on notice, Matt Levey, Manager, International Public Policy—Australia/New Zealand, Amazon, 25 September 2018, p 1.

⁸⁸⁵ Submission 266, Sounds Australia, pp 10-11.

⁸⁸⁶ See, Evidence, Mr Dean Ormston, Chief Executive Officer, APRA AMCOS, 26 March 2018, p 27, Evidence, Mr Ben Dennis, Manager, Peking Duk, 7 August 2018, p 43.

⁸⁸⁷ Submission 253, Australasian Music Publishers' Association Limited (AMPAL), p 3.

⁸⁸⁸ Submission 250, Tamworth Songwriters Association, p 2.

⁸⁸⁹ Submission 250, Tamworth Songwriters Association, p 2.

⁸⁹⁰ Evidence, Mr Dan Rosen, Chief Executive Officer, ARIA, 26 March 2018, p 61.

⁸⁹¹ Evidence, Mr Rennie Addabbo, Country Director, Sonos Australia and New Zealand, 26 March 2018, p 41. Also see, Submission 381, MEAA, p 1.

get in that pocket somehow. There is still no substitute for developing a huge groundswell through a live show.⁸⁹²

Committee comment

- 10.53** The committee believes that the rise of streaming services is a positive force shaping the New South Wales music scene. It is important that these major changes in how music is listened to, and purchased, are the subject of public discussion and debate. The committee thanks Spotify and Amazon as leading companies prepared to participate in this public discussion.
- 10.54** The committee notes that streaming services have revitalised the recording industry and are providing a vital link between artists and audiences that will only increase in importance in the future. Consequently, we believe that there is a need for more transparency around how these organisations operate and what actions they are taking to foster and support Australian artists.
- 10.55** The committee found it puzzling that streaming services were unwilling to provide details about their market share. Given the increasing prominence of this sector, it is critical that the music industry have a clear understanding of how streaming services operate. We note that Ms Huxley of Spotify has said she is open to discussing greater transparency in this area with Spotify head office in Sweden.
- 10.56** The committee is strongly supportive of Spotify's offer to partner with the NSW Government to provide workshops for artists. We therefore recommend that Create NSW collaborate with Spotify to develop and implement workshops for New South Wales artists to better understand how to use streaming services to assist them to promote their music, reach new fans and utilise streaming data to identify the geographic areas where their fans are most concentrated.
-

Recommendation 59

That Create NSW collaborate with Spotify to develop and implement workshops for New South Wales artists to better understand how to use streaming services to assist them to promote their music, reach new fans and utilise streaming data to identify the geographic areas where their fans are most concentrated.

- 10.57** The committee notes that the streaming services did not support the proposal for a voluntary 25 per cent Australian content quota on locally curated playlists. However, we recommend that Create NSW collaborate with its Commonwealth counterparts to determine the viability of introducing this type of requirement.
-

Recommendation 60

That Create NSW collaborate with its Commonwealth counterparts to determine the viability of introducing a voluntary 25 per cent Australian content quota for locally curated playlists on streaming services.

⁸⁹² Evidence, Mr Julian Knowles, Chair, MusicNSW, 26 March 2018, pp 35-36.

10.58 The committee also notes that the House of Representatives Standing Committee on Communications and the Arts is currently conducting its own inquiry into the Australian music industry (see paragraph 2.4). While this committee is not aware of any public comment made by our Federal counterparts regarding their intention to take evidence from streaming services, the committee understand that House of Representatives committee has called for evidence from 'businesses that connect Australian musicians and music with audiences and markets'. In view of the invaluable contribution that the evidence provided by streaming services has made to our own inquiry, we encourage our Federal counterparts to call for evidence from those companies, with a specific focus on their streaming of local Australian music.

Appendix 1 Submissions

No.	Author
1	Mr Steven Hopley
2	North Byron Parklands
3	Inner West Council
4	Name suppressed
4a	Name suppressed
4b	Confidential
5	Northern Sydney Regional Organisation of Councils
6	Toolo Ltd
7	Mr Alistair Bell
8	Ms Wendy Fuller
9	Dr Karl Mallon
10	Mr Colin Clulow
11	Confidential
12	Confidential
13	Ms Julia Armstrong
14	City of Shoalhaven Eisteddfod Inc
15	Name suppressed
16	Mr Tim Hosking
17	Mr Slavco Zipevski
18	The Association of Artist Managers
19	Name suppressed
20	Name suppressed
21	Ms Michelle Fitness
22	Mr Jordan Forster
23	Mr Andrew Galea
24	Name suppressed
25	Mr Taylor Cawsey
26	Mr Daniel Ticac
27	Mr George Tulloch
28	Name suppressed
29	Name suppressed

No.	Author
30	Name suppressed
31	Mr Tony Petersen
32	Mr Jose Antonio Horna
33	Miss Elizabeth Linsdell
34	Ms Sonia Bennett
35	Mr Geoff Natrass
36	Darlinghurst Business Partnership
36a	Darlinghurst Business Partnership
37	Mr Lachlan Johnson
38	Name suppressed
39	Name suppressed
40	Name suppressed
41	Name suppressed
42	Name suppressed
43	Big Ting Recordings
44	Name suppressed
45	Confidential
46	Mr Aaron Welsh
47	Mr Jack Colquhoun
48	Name suppressed
49	Ms Lily Chapman
50	Miss Catherine Lui
51	Confidential
52	Mr Jordy McIntyre
53	Ms Brooke Mills
54	Mr Bradley Smee
55	Yo-Yo Enterprises
56	Name suppressed
57	Mr Brian Potts
58	Confidential
59	Mr Steve McLeod
60	Name suppressed
61	Mr Andrew Ballard
62	Miss Serafina Accetta
63	Mr Jack Roots

No.	Author
64	Mr Phil Upton
65	Mrs Anne McDonald
66	Mr Robert Burley
67	Name suppressed
68	Name suppressed
69	Confidential
70	Name suppressed
71	Mr Cliff Newman
72	Name suppressed
73	Ms Suzanne Hudson
74	Name suppressed
75	Ms Atalya Masi
76	Confidential
77	Ms Tricia Entwistle
78	Mr Scott McCubben
79	Name suppressed
80	Name suppressed
81	Mr Jason Richardson
82	Name suppressed
83	Ms Yvette Myhill
84	Mrs Anne Sweeney
85	Ms Amy Wilson
86	Mr Frank Wolfhart
87	Ms Jessie Wilson
88	Mr Andrew Hobkirk
89	Confidential
90	Mr Andrew Thompson
91	Mr Craig Thomson
92	Name suppressed
93	Name suppressed
94	Confidential
95	Mrs Samantha Hobson
96	Mr Tom Harding
97	Mrs Kaye Separovic
98	Mrs Shirley Bennett

No.	Author
99	Miss Rebecca Schweinsberg
100	Mr James Revai
101	Name suppressed
102	Name suppressed
103	Name suppressed
104	Name suppressed
105	Name suppressed
106	Miss Bonnie Rose Stoyanof
107	Mr Samuel Lilburn
108	Prof Philip Hayward
109	Mr Alex Torney
110	Mr Declan Kelly
111	Miss Peggy Ocallaghan
112	Mr Henry Manuell
113	Name suppressed
114	Name suppressed
115	Name suppressed
116	Name suppressed
117	Name suppressed
118	Name suppressed
119	Name suppressed
120	Name suppressed
121	Name suppressed
122	Name suppressed
123	Dr David Cashman
124	Ms Sarah Cowan
125	Mr Brendan Gallagher
126	Ms Georgia O'Connor
127	Mr Wade Cawood
128	Miss Chaya Carney
129	Mr Shane Powell
130	Mr Brent Whelan
131	Ms Georgina Reed
132	Confidential
133	Upper Hunter Conservatorium of Music

No.	Author
134	Ms Jane Becktel
135	Mr Michael Galeazzi
136	Mr Nick Minogue
137	Mr Mark Lucas
138	Mrs Nella Keenan
139	Mr Spencer Scott
140	Mr Tom Flood
141	Mr Edward Mieluk
142	Ms Wendy Lloyd Curley
143	Ms Amy Burrows
144	Mrs Linda Wood
145	Mr Alan Goodman
146	Fusion Boutique
147	Ms Kim McNaughton
148	Name suppressed
149	Name suppressed
150	Name suppressed
151	Name suppressed
152	Name suppressed
153	Name suppressed
154	South East Arts
155	Ms Irina Reykhtman
156	Committee for Sydney
157	Ms Kate Proctor
158	Dr Adam Berger
159	Mr Robert Timar
160	Australian Songwriters Association Inc
161	Confidential
162	Confidential
163	Name suppressed
164	Name suppressed
165	Mr Jack Lincoln
166	Name suppressed
167	Name suppressed
168	Ms Carolyn Ienna

No.	Author
169	Ms Susannah Reed
170	Ms Clare Lewis
171	Berlin Club Commission
172	Ms Julie Rebett-Warrington
173	The Newsagency
174	Mr Alex Carey
175	Mr David Glover
176	Ms Tina Marsden
177	Mr Paul Kerollos
178	Mr Greg Butcher
179	Miss Julia Mickan
180	Ms Jannah Fahiz
181	Name suppressed
182	Confidential
183	Confidential
184	Name suppressed
185	Mr Graham Griffith
186	Mr Chris Richter
187	Name suppressed
188	Confidential
189	Lake Macquarie City Council
190	South West Music Regional Conservatorium
191	Name suppressed
192	Name suppressed
193	Mr Jack Conroy
194	Ms Mariko Gray
195	Mr Shanil Samarakoon
196	Confidential
197	Mr Mike Hammond
198	Name suppressed
199	Mr Geoff Reynolds
200	Mr Marcus Adamson
201	Name suppressed
202	Name suppressed
203	Shoalhaven City Council

No.	Author
204	Name suppressed
205	Sydney Opera House
206	Miss Alexandria Siegers
207	Three Cheers Training
208	Ms Marcella Levey
209	Mr Gary Norwell
210	Name suppressed
211	Penrith City Council
212	Liverpool City Council
213	Miss Lauren McAuliffe
214	Softys
215	Mr Clinton Hoy
216	Mr James Pensini
217	Southern Tablelands Arts (STARTS)
218	Australian Centre for Public History and the Department of Music and Sound Design UTS
219	Mr Sean Wayland
220	Ms Merilyn Steele
221	Name suppressed
222	Dr Graham Sattler
223	Ms Catherine Ann Palumbo
224	Tally Wear Collective
225	Ms Ashleigh Jones
226	Mr David Felgar
227	Jazz Village
228	ClubsNSW
229	Northern Rivers Conservatorium
230	The Association of Australian Musicians
231	Key Player Productions
232	Australian Hotels Association NSW
233	Central Station Records
234	Creativism
235	Arts Mid North Coast
236	Regional Arts NSW
237	Local Government NSW

No.	Author
238	Association of NSW Regional Conservatoriums
239	Wagga Wagga City Council
240	Bluesfest Group of Companies
241	City of Parramatta Council
242	Big Apachee
243	Newcastle City Council
244	Bathurst Memorial Entertainment Centre
245	Lismore City Council
246	City of Sydney
247	National Association for the Visual Arts
248	Secret Sounds
249	Eastside Radio
250	Tamworth Songwriters Association
250a	Tamworth Songwriters Association
251	SongsOnStage
252	Sydney Small Bars
253	Australasian Music Publishers' Association Limited
254	Australian Recording Industry Association
255	Information and Cultural Exchange
256	Musos Corner / 90Degree Studio
257	Ice Bank Hospitality
258	Time Out Australia
259	Name suppressed
260	Mr Michael Rodrigues
261	Sydney Fringe Festival
262	Name suppressed
263	APRA AMCOS
264	The Lansdowne Fifteen
265	Restaurant and Catering Australia
266	Sounds Australia
267	The Haze Magazine
268	Hotel Gearin
269	Oxford Art Factory
269a	Oxford Art Factory
269b	Oxford Art Factory

No.	Author
270	The Red Rattler Theatre
271	Byron Community Centre
272	Bulahdelah Chamber of Commerce & Tourism Inc.
273	Tweed Shire Council
274	Ticket Brokers Association of Australia
275	Mr Joe Glaysher
276	Ms Renata Dubois
277	Name suppressed
278	Name suppressed
279	Name suppressed
280	Mr Peter Harris
281	Wollongong City Council
282	Mr Scott Burford
283	Live Music Office
283a	Live Music Office
284	Keep Sydney Open
285	Mr Matt Aaron
286	Electronic Music Conference
287	Live Performance Australia
288	Ms Emily Lloyd-Tait
289	Confidential
290	Name suppressed
291	Ms Sarah O'Malley
292	Mr Chris Virtue
293	Mr Shaun Evans
294	Name suppressed
295	Ms Elizabeth Blackwood
296	Ms Natasha Skrypka
297	Confidential
298	Mr John Givins
299	Mr Nigel Collins
300	Name suppressed
301	Confidential
302	Mr Christopher Manson
303	Mrs Jessica Knaus

No.	Author
304	Mr Brendan Aitken
305	Mrs Narrell Brown
306	Dr Julie Storer
307	Name suppressed
308	Name suppressed
309	Mr Zeljko Golijan
310	Mr Stephen Melrose
311	Mr Alexander O'Toole
312	Confidential
313	Name suppressed
314	Name suppressed
315	Mrs Melinda Miante
316	Name suppressed
317	Miss Shelley Strauss
318	Miss Elise Bucholtz
319	Mr Trevor Adams
320	Mr Charlie Gradon
321	Mr Chris Laursen
322	Mr Allon Silove
323	Miss Elinor Williams
324	Mr Josh Rundle
325	Ms Ann Martin
326	Name suppressed
327	Mr Andrew Barnum
328	Confidential
329	Confidential
330	Ms Kate Becker
331	Confidential
332	Mr John Ferris
333	Name suppressed
334	Name suppressed
335	Confidential
336	Name suppressed
337	Name suppressed
338	Mr Jean-Jacques Fiasson

No.	Author
339	Miss Emma McGarry
340	Confidential
341	Mr Orlando Sydney
342	Mr Jesse Williams
343	Name suppressed
344	Name suppressed
345	Name suppressed
346	Confidential
347	Name suppressed
348	Confidential
349	Watling & Bates
350	Name suppressed
351	Mr Chris Evans
352	Mr Gilbert Grace
353	Mr Warren Rosser OAM
354	Mr Grant Walmsley
355	Ms Ilona Harker
356	Name suppressed
357	Miss Kate Stroud
358	Mr Matthew McMahon
359	Ms Jannice Banks
360	Confidential
361	Mr Ryan Diefenbach
362	Mr Darryl Chute
363	Ms Kate Pollington
364	Mr Benjamin Ryan
365	Confidential
366	Kingdom Sounds
367	Clr Barney Langford
368	Miss Gretha Oost
369	Australian Brandenburg Orchestra
370	Mr Gary Kurzer
371	Miss Hannah Caterer
372	Mr Martin Barrett
373	Australian Taxpayers' Alliance

No.	Author
374	Mr Dave Panichi
375	Future Classic
376	Name suppressed
377	Live Nation Entertainment
378	Sonos Australia, Live Nation and Time Out Australia
379	Century Venues
380	MusicNSW
381	Media, Entertainment and Arts Alliance
382	Coffs Harbour City Council
383	Mr Daniel Robertson
384	Tempting Eve
385	NSW Government
385a	NSW Government
386	Mr Garry O'Dell
387	Ms Tanya Ali
388	Blue Mountains Economic Enterprise
389	Goulburn Regional Conservatorium
390	Accessible Arts
391	Solotel
392	Name suppressed
393	Name suppressed
394	Mr Rohan Skerritt
395	Mr Jason Bruer
396	Mr Simon Morel
397	The Manly Fig
398	Ms Kate Lush
399	Mr David MacRae
400	Mr Paul Winn
401	Mr Darren Heinrich
402	Mr Stewart Wauchop
403	Mr Paul Joseph
404	Name suppressed
405	Ms Leanne Paris
406	Mr John Fox
407	Mr David Weir

No.	Author
408	Mr Tom Kassai
409	Mr Milton Brown
410	Mr Sam McNally
411	Mr Tim Bruer
412	AMP Capital
413	SAE Creative Media Institute
414	Jbn Sound Solutions Australia Pty Ltd
415	Mr Dave Longo
416	Confidential
417	Commercial Radio Australia
418	Apple
419	Police Association of NSW
420	Illawarra Folk Festival
420a	Illawarra Folk Festival
421	Bombie Surf Club
422	Community Broadcasting Association of Australia
423	Lizotte's Restaurant
424	Mr Zenon Helinski
425	Unions NSW
426	Ms Hannah Crofts
427	MWLP
428	Mr Nick McKinlay
429	Ms Rhiannon Atkinson-Howatt
430	Ms Vanessa Meagher
431	A L Huntley
432	Mr Phil Rehmer
433	Mr Andrew Browne
434	Mr Arne Hanna
435	Ms Maz Mazak
436	Mr Larry Heath
437	Limelight Arts Media

Appendix 2 Witnesses

Date	Name	Position and Organisation
26 March 2018 Jubilee Room/McKell Room, Parliament House, Sydney	Ms Grainne Brunson	A/Executive Director, Create NSW
	Mr Tarek Barakat	Director Strategic Policy, Research & Projects, Create NSW
	Mr Paul Newson	Deputy Secretary, Liquor & Gaming NSW, and Office of Racing
	Clr Jess Scully	Councillor, City of Sydney
	Ms Lisa Colley	Manager Cultural Strategy, Strategy & Urban Analytics, City of Sydney
	Mr Ben Pechey	Manager, Planning Policy, Strategic Planning and Urban Design Unit, City of Sydney
	Ms Linda Scott	President, Local Government NSW
	Ms Margaret Kay	Strategy Manager – Social and Community, Local Government NSW
	Mr Dean Ormston	Chief Executive Officer, APRA AMCOS
	Mr Dave Faulkner	Artist, Hoodoo Gurus
	Ms Brooke McClymont	Artist, The McClymonts
	Mr Tim Levinson	Artist, Urthboy
	Mr Julian Knowles	Chair, MusicNSW
	Ms Emily Collins	Managing Director, MusicNSW
	Mr Michael Rodrigues	Managing Director, Time Out Australia
Ms Justine Baker	Chief Executive Officer, Solotel Group	
Mr Rennie Addabbo	Country Director, Sonos Australia and New Zealand	
Mr Michael Rose	Chair, Committee for Sydney	

Date	Name	Position and Organisation
28 May 2018 Jubilee Room, Parliament House, Sydney	Mr John Wardle	Live Music Consultant, APRA AMCOS and the Live Music Office
	Ms Lucy Joseph	Project Manager, Western Sydney and Regional NSW Live and Local Micro Festival Program, Live Music Office
	Mr Dan Rosen	Chief Executive Officer, Australian Recording Industry Association
	Ms Kerri Glasscock	Chief Executive Officer, Sydney Fringe Festival
	Mr Greg Khoury	Century Venues
	Ms Anna Burns	General Manager, Future Classic
	Clr Darcy Byrne	Mayor, Inner West Council
	Ms Erla Ronan	Group Manager, Community Services and Culture, Inner West Council
	Mr David Birds	Group Manager, Strategic Planning, Inner West Council
	Ms Joan Warner	Chief Executive Officer, Commercial Radio Australia
	Ms Sarah Kruger	Head of Legal & Regulatory Affairs, Commercial Radio Australia
	Mr Mark Walton, APM	Assistant Commissioner, NSW Police Force
	Ms Isabella Manfredi	Artist, The Preatures
	Mr Dan Rosen	Chief Executive Officer, Australian Recording Industry Association
	Mr Luke Briscoe	Managing Director, Office & Industrial, AMP Capital
	Ms Helen Marcou	Co-founder, Save Live Australia's Music
Ms Jane Slingo	Executive Producer, Electronic Music Conference, Artist Manager, Set Mo	

Date	Name	Position and Organisation
	Mr Nicholas Drabble	Artist, Set Mo
	Mr Stuart Turner	Artist, Set Mo
	Ms Penelope Benton	General Manager, National Association for the Visual Arts
4 July 2018 Wollongong City Council Chambers, Wollongong	Mr Mark Grimson	Economic Development Manager, Wollongong City Council
	Ms Ann Martin	Artist Planner and Cultural Planner
	Mr Jack Lincoln	Artist
	Mr Adam Smith	Owner, Yours and Owls Café
	Mr Jeb Taylor	Owner, Farmer and The Owl
	Mr Robert Deacon	Club Captain, Coalcliff Surf Lifesaving Club, Manager and Licensee, Bombie Bar
	Mr Rod Cork	Vice President, Illawarra Folk Festival
	Mr Graeme Morrison	Secretary, Illawarra Folk Festival
31 July 2018 Auditorium, SAE Creative Media Institute, Byron Bay	Mr David Burgener	Community Development Officer – Cultural Planning, Community and Cultural Services, Tweed Shire Council
	Mr Peter Noble	Director, Bluesfest Group of Companies
	Mr Lee Aitken	General Manager, SAE Institute
	Mr Mat Morris	General Manager, North Byron Parklands
	Ms Shannon Burt	Director, Sustainable Environment and Economy, Byron Shire Council
	Ms Tania Crosbie	Economy and Sustainability Coordinator, Byron Shire Council
	Mr Brandon Saul	Organiser/Promoter, Falls Festival
	Mr Luke Mooney	The Rails
	Ms Ilona Harker	Artist

Date	Name	Position and Organisation
7 August 2018 Room G.7/8, 55 St Andrews Place, East Melbourne	Ms Renee Simone	Artist
	Ms Jane Crawley	Director of Arts Investment, Creative Victoria
	Ms Kirsty Rivers	Manager, Contemporary Music, Creative Victoria
	Mr Patrick Donovan	Chief Executive Officer, Music Victoria
	Ms Siu Chan	Unit Manager Arts, Culture and Venues, City of Yarra
	Mr Roger Field	Chief Executive Officer, Live Nation Australasia
	Mr Jon Perring	Proprietor, The Tote Hotel
	Mr Ben Dennis	Manager, Peking Duk
	Mr Monte Morgan	Artist, Client Liaison
	Mr Harvey Miller	Artist, Client Liaison
8 August 2018 Room G.7/8, 55 St Andrews Place, East Melbourne	Mr Nick Tweedie SC	Barrister, Owen Dixon Chambers West
	Mr Adam Jankie	Head of Government & Education, Mushroom Group
	Ms Alex Kelsey	Project Manager, Mushroom Group
	Ms Kate Duncan	Chief Executive Officer, The Push
	Mr Matthew Rogers	Chief Operating Officer, UNIFIED Music Group
	Mr Luke Logemann	Chief Creative Officer, UNIFIED Music Group
	Mr Dan Nascimento	Touring Co-Ordinator, UNIFIED Music Group
23 August 2018 Council Chambers, Newcastle City Hall, Newcastle	Clr Declan Clausen	Deputy Lord Mayor, Newcastle City Council
	Mr Ian Rhodes	Community Planning Coordinator, Newcastle City Council

Date	Name	Position and Organisation
	Ms Jacqui Hemsley	Manager, Cultural Services, Lake Macquarie Council
	Ms Samantha Hardie	Chair, Night Time Economy Working Group, Lake Macquarie City Council
	Mr Ian Lobb	Owner and Licensee, Lass The O'Gowrie Hotel
	Mr Brian Lizotte	Owner, Lizotte's Restaurant
	Mr Grant Walmsley	Artist, The Screaming Jets
	Mr Marcus Wright	Director, Big Apachee
	Mr John Sahyoun	President, Bulahdelah Chamber of Commerce & Tourism
	Mr Spencer Scott	Musician
	Mr Tony Petersen	
24 August 2018 Macquarie Room, Parliament House, Sydney	Ms Jane Huxley	Managing Director, Spotify Australia & New Zealand
	Mr Matt Levey	Manager, International Public Policy - Australia/New Zealand, Amazon
	Mr Josh Landis	Executive Manager, Public Affairs, ClubsNSW
	Mr Anthony Trimarchi	Manager, Policy and Government, ClubsNSW
	Ms Jessica Ducrou	Co-Chief Executive Officer, Secret Sounds
	Ms Kristy Lee Peters	Artist, KLP
	Mr Scott Baldwin	Artist, The Rubens
	Mr Greg Carey	Artist Manager, The Rubens, and Co-chair, Association of Artist Managers
	Mr Nicholas Pickard	Director Public Affairs & Communications, APRA AMCOS
	Mr John Green	Director, Liquor and Policing, Australian Hotels Association NSW

Date	Name	Position and Organisation
	Mr Chris Gatfield	Manager, Policy and Research, Australian Hotels Association NSW
	Ms Millie Millgate	Executive Producer, Sounds Australia
	Mr Karl Schlothauer	President, NSW Independent Bars Association
	Mr Luke Ashton	Treasurer, NSW Independent Bars Association
	Ms Chau Tran	NSW Independent Bars Association
	Mr Jon Bisset	Chief Executive Officer, Community Broadcasting Association of Australia
	Mr Andrew Khedoori	Manager, Australian Music Radio Airplay Project, Community Broadcasting Association of Australia
	Ms Nikki Brogan	Managing Director, FBi Radio
	Mr Tyson Koh	Campaign Director, Keep Sydney Open
	Mr Clive Miller	Chief Executive Officer, Support Act
	Ms Lindy Morrison	Social Worker, Support Act
	Mr Daniel Robertson	Co-owner, Play Bar
	Ms Sarah Vuong	Co-owner, Play Bar
13 September 2018 Council Chambers, Tamworth Regional Council, Tamworth	Mr Rod Laing	Chief Executive Officer, Wests Entertainment Group
	Mr Craig Power	The Pub Group
	Mr John Krsulja	The Dag Sheep Station
	Mr Jye Segboer	President, Tamworth Business Chamber
	Mr Chris Watson	Chris Watson Travel
	Ms Rebecca Belt	Director, Country Music Association of Australia

Date	Name	Position and Organisation
	Mr David Woodward	Artist Manager
	Ms Carolyne Morris	Tamworth Songwriters Association, and Artist/Songwriter
	Mr Barry Harley	Manager, Country Music, and Festival Director, Country Music Festival, Tamworth Regional Council
	Mr Peter Ross	Manager, Entertainment Venues, Tamworth Regional Council
14 September 2018 Macquarie Room, Parliament House, Sydney	Mr John Wardle	Live Music Consultant, APRA AMCOS and the Live Music Office
	Ms Jeni Pollard	Place Manager, Penrith City Council
	Ms Rebekah Elliott	City Engagement Officer, Place Management. Penrith City Council
	Ms Kiersten Fishburn	Chief Executive Officer, Liverpool City Council
	Mr Jeffrey Stein	Service Manager, City Events and Festivals, City of Parramatta
	Mr Beau Reid	Project Officer, Economic Development, City of Parramatta
	Mr Paul Davies	Director, Media, Entertainment and Arts Alliance
	Mr Adrian Keating	Violinist, Australian Opera and Ballet Orchestra
	Mr Paul Newson	Deputy Secretary, Liquor & Gaming NSW and Office of Racing
	Ms Alison Frame	Deputy Secretary, Policy and Strategy, NSW Department of Planning and Environment
	Ms Alison Burton	A/Executive Director, Planning Policy, NSW Department of Planning and Environment
	Mr Ben Marshall	Head, Contemporary Music, Sydney Opera House

Date	Name	Position and Organisation
	Mr Dave Ruby Howe	Music Director, triple j Unearthed, triple j
	Mr Lachlan Macara	Content Manager, triple j Unearthed and Hack, triple j
27 September 2018 Macquarie Room, Parliament House, Sydney	Ms Alex O'Mara	Deputy Secretary, Create NSW
	Ms Elizabeth Scott	Executive Director, Investment and Engagement, Create NSW

Appendix 3 Liquor licence conditions prohibiting or restricting entertainment provided by Liquor and Gaming NSW⁸⁹³

Printed on: 12/09/2018 @ 5:06 PM

as at 7 September 2018

Response to Committee

Department of Industry
Liquor & Gaming NSW

Question 1: In relation to the following question on notice: 3. The answers to questions on notice indicate that 215 venues have entertainment licence restrictions on them, and 74 have entertainment prohibited. Please list each venue and the entertainment licence. The answer that has been given only applies the information requested from Table 44 in relation to one licence type (Liquor - on-premises licence) rather than what was requested, in relation to each licence type (Liquor - club licence, Liquor - hotel licence, Liquor - limited licence, Liquor - packaged liquor licence, Liquor - producer wholesaler licence, Liquor - small bar licence). Could the remaining information be supplied in the same format?

Answer 1: Liquor & Gaming NSW has re-analysed licensing data as at 7 September 2018 and used refined search criteria that captured a broader range of entertainment restrictions. During this re-analysis, it was identified that some licences with older prohibitions and restrictions were inadvertently not picked up by the original search parameters. The responses to the question on notice therefore requires correction as follows:

As at 7 September 2018, there were 58 venues identified with entertainment prohibitions (on entertainment and/or live music) and 575 venues identified with entertainment restrictions (on the conduct of live entertainment, live music, certain music genres, locations and bars at which live entertainment or music is performed).

A list of these venues by licence type is included in the table below. General noise limits that do not prohibit or directly restrict live entertainment or music from being provided, and similar requirements (e.g. relating to extra security, transportation & entry from a venue where entertainment is provided) were typically not included. Some venues also had multiple entertainment-related conditions, so have been included once only to avoid double or triple-counting.

Question 1A: Are the licence conditions referred to all the conditions, or simply the conditions on the liquor licence? That is, are there additional conditions that might be attached to the development approval by a local council or planning authority that relate to entertainment?

Answer 1A: The conditions supplied to the Committee include those imposed on liquor licences. Conditions relating to entertainment may separately be imposed on a development consent by the relevant local consent authority.

Final version - Analysis of live entertainment conditions.XLSX - Responses to Committee

⁸⁹³ Answers to questions on notice, Liquor & Gaming NSW, received 12 September 2018.

Liquor Type	Name	Type	First Condition
Liquor - club licence			
LIC06330019631	MacArthur Community and Sporting Club	Prohibited	No live entertainment, or any form of amplified music (including through speakers) is to be provided on the Premises. (i) This condition does not apply to soft music that is played in the background as an accompaniment to meals. (ii) This condition does not apply to a maximum of ten (10) community functions that may be held inside the licensed premises and/or on the Club's land outside the licensed premises over no more than a total of ten (10) days per calendar year.
Liquor - hotel licence			
LIC04001003936	Bath Arms Hotel	Prohibited	Live entertainment is not to be provided on the premises.
LIC04001016119	Criterion Hotel	Prohibited	No live entertainment is to be performed on the premises.
LIC04001020562	Crocodile Farm Hotel	Prohibited	No live entertainment is to be provided on the premises.
LIC04001024985	The Landmark	Prohibited	No live entertainment or entertainment by way of a DJ or performers is to be provided at the hotel and music provided is to be limited to background music only.
LIC0400103433	The Light Brigade	Prohibited	No live entertainment is to be provided on the premises.
LIC0400105320	Royal Exchange Hotel	Prohibited	No patrons are to be allowed entry to the premises after 02:00 am. Alcohol is to cease being served in the premises from 02:30 am. No entertainment is to be provided within the premises. The doors and windows opening onto Gamers Avenue are to be closed from 10:00 pm.
LIC0400105651	The Porthouse	Prohibited	No entertainment or dancing shall be conducted or provided on the premises.
LIC0400108332	Karlong Family Restaurant Tavern	Prohibited	The licensee shall not permit live entertainment or the playing of disco music on the premises.
LIC0400117167	Bennett Hotel	Prohibited	No live entertainment is to be provided on the premises.
LIC0400122462	Commercial Hotel	Prohibited	No regular entertainment is to be held from 05 NOV 1997. If entertainment is to be held for a special function, the OIC Lake Caregillo Police is to be notified fourteen (14) days prior to the function.
LIC0424003447	The Globe Hotel	Prohibited	No entertainment is to be provided on the premises.
LIC0424009798	Calda Inn	Prohibited	No live entertainment is to be conducted at the hotel.
LIC0440010030	Small Bar (Crows Nest)	Prohibited	The premises is not to be a place of public entertainment.
LIC04400118970	Moko - Heather's Kitchen	Prohibited	No live music or entertainment permitted
LIC0440016990	263 Church Street Pty Ltd	Prohibited	No live entertainment will be provided.
LIC0440016992	Mick & Norais	Prohibited	The Approved Manager or the supervisor on duty must ensure that no live entertainment, DJ entertainment, nightclub entertainment, live bands or vocalists entertainment is to occur at the premises. In this condition, nightclub operation refers to times where the licensed premises, or any part of the licensed premises, is used to provide entertainment by way of live or recorded amplified music where there is a space offered to patrons for dancing. Typical features of a nightclub operation may include loud music played by a DJ, a dance floor area, low background lighting, and intermittent bright or coloured lighting effects.
LIC0440016993	Fidley Country Club Hotel Motel	Prohibited	No live entertainment or amplified music is to be permitted within the premises at any time. Any music provided shall be by way of background music only.
Liquor - on-premises licence			
LIC06004006598	Al Agha	Prohibited	No live or amplified entertainment is to occur on premises
LIC0600779906	Railway Refreshment Room	Prohibited	No entertainment is to be provided on premises.
LIC06240056397	Johnny Fishbone Wine Parlour	Prohibited	No live entertainment is to be provided on the premises.
LIC0624006364	Carom Food Bar Espresso	Prohibited	The licensed premises must not be used or promoted as an entertainment venue.
LIC0624012401	TGI FRIDAYS ASIA PACIFIC PTY. LTD.	Prohibited	No entertainment, provided by a living person including a DJ shall be permitted upon the premises at any time
LIC0624012585	DeLone House Jones Bay Wharf	Prohibited	No public entertainment, which requires a POPE Authority, will be provided
LIC0624013739	The Slurred Mullet	Prohibited	The licence is endorsed that no application will be made for the premises to become approved as a Place of Public Entertainment.
LIC0660010832	Croydon Lane	Prohibited	No live music including bands, DJ's and/or karaoke
LIC0660011508	Travelodge Hotel Macquarie North Ryde, Sydney	Prohibited	No live entertainment is permitted on the licensed premises
LIC0660030972	Mad Pizza Bondi Beach	Prohibited	No live music or DJs are permitted on the premises.
LIC0660031154	Guzman y Gomez Hamilton	Prohibited	The licensee must ensure that only background music be played at any time inside the venue
LIC0660031876	The Black Taste Thai Cuisine	Prohibited	No live entertainment to be provided.
LIC0660031945	Guzman y Gomez Charlestown Square	Prohibited	The licensee must ensure there is no live entertainment or promotion as an entertainment venue.
LIC0660032069	GZ Espresso	Prohibited	No amplified music or live entertainment is permitted on the licensed premises at any time.
LIC0660032109	Dairy Dumpling House	Prohibited	The premises must not have any live music including bands, DJ's and/or Karaoke
LIC0660032129	Luxe Sydney Miranda	Prohibited	The premises must not have any live music including bands, DJ's and/or Karaoke
LIC0660032278	Junbo Thai Haymarket	Prohibited	No live music to be permitted and only background music to be played
LIC0660032333	Coco Cubano Penrith	Prohibited	No live music including bands, DJ's and/or Karaoke is permitted at the venue.
LIC0660032380	Chong Co Restaurant Miranda	Prohibited	No live music including bands, DJ's and/or Karaoke
LIC0660032388	Crooked Tailor	Prohibited	Live music or live entertainment is not permitted on the premises at any time.
LIC0660032395	Noodle Hut Miranda	Prohibited	No live music including bands, DJ's and/or Karaoke.
LIC0660032473	Sourdough (Miranda) Pty Ltd	Prohibited	No live music including bands, DJ's and/or Karaoke

LIQS220000043	Canvas Bar	Prohibited	The licensee must ensure no DJ entertainment is permitted at the premises.
LIQS220000044	Tilus Jones	Prohibited	No live music, entertainment or amplified music is to be provided within the premises.
LIQS220000055	The Resident Cafe & Bar	Prohibited	No live entertainment is permitted on the premises.
LIQS220000057	The Cheese & Wine Co	Prohibited	The licensee or its representative will ensure that no live entertainment is performed within the premises and that no music (amplified or otherwise) played within the premises is heard at the boundary of the closest residential premises.
LIQS220000058	Edition Book Bar	Prohibited	No entertainment will be provided
LIQS220000067	Bazz's Whine Bar	Prohibited	No live entertainment, including DJs and live bands, is permitted on the premises.
LIQS220000069	Jacoby's Tiki Bar	Prohibited	No live music or entertainment may be provided on the premises.
LIQS220000071	Nature's Script	Prohibited	No live bands or DJ entertainment.
LIQS220000077	Where's Nick?	Prohibited	No live entertainment or amplified music is to be permitted within the premise at any time. Any music provided shall be by way of background music only.
LIQS220000088	Bucket Boys Craft Beer Co	Prohibited	No live entertainment or amplified music shall be permitted at the premises at any time. Any music provided shall be by way of background music only.
Grand Total			

Licence Type	Name	Type	First Condition
Liquor - club licence LIC300200086	Spartan's Liquorery	Restricted	Live entertainment is to cease at midnight, on any night. Drum entertainment groups (for example, 'zaria' groups) are prohibited from performing at the premises except when they are performing before 8:00 pm, for a period of no longer than 15 minutes. Drum entertainment groups are prohibited from using their instruments outside the premises at all times. There will be no bands or discs after 12:00 midnight.
LIC300200493	Lemman Association of NSW Marula Club Ltd	Restricted	On days when NRL matches are played at the Redmond's Stadium, entertainment in the Garden Bar can only commence once the main gate opens and must cease fifteen (15) minutes prior that main NRL fixture starting. Entertainment shall consist of the following: a maximum of four member musical groups which can consist of two vocalists; (2) two acoustic musicians; (2) one backing track. Backing Track must accompany a vocalist or an acoustic musician but must not include drums, bass or electric instruments. The LA10 noise level limiters from the Garden Bar shall not exceed the background music entertainment level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) by more than 5dB between 07:00 am and 8:30pm at the boundary of any affected residence. The LA10 music/entertainment level limiters from the Garden Bar shall not exceed the background music/entertainment level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) between 9:30pm and 07:00 am at the boundary of any affected residence. Notwithstanding compliance with the above, the music/entertainment from the Garden Bar shall not be audible within any residential premises between the hours of 8:30pm and 07:00 am. No live rock bands or disco music to be conducted within the Garden Bar area. Amplified duos and background music may be operated for functions or special events within this area between the hours of 10:00 am and 12:00 midnight on days other than when NRL fixtures are held.
LIC300226727	Cromula-Sutherland League Club Ltd	Restricted	Discourage live music at functions and noise level to be moderate to comply with the noise emission criteria.
LIC300227067	Eastern Suburbs District Rugby Union Football Club	Restricted	The approved manager must ensure that: 1) no loud rock or heavy music bands are engaged to play music at the Club; 2) bands play only on weekends and for no more than two Saturdays in each month, and for no more than the last Sunday of each month; and the Sunday of a long weekend; 3) bands cease play by 10:00 PM on those Saturdays and by 9:00 PM on those Sundays, except for New Year's Eve; 4) disco entertainment must cease by 11:00 PM on any occasion except for New Year's Eve; 5) bands are provided by a single supplier which may be changed from time to time; 6) bands and the provider of disco entertainment are sited on the eastern side of the room in which they are playing or operating; 7) when amplified music or entertainment is provided, that it is connected to a noise limiter, such as GASCOM, and the noise limiter is set at a noise level of 80dB(A), as measured at a point in that part of the premises where the amplified music or entertainment is being provided, which is beneath the noise limiter microphone; 8) when amplified music or entertainment is provided, that the doors and windows in that part of the premises where the amplified music or entertainment is being provided are kept closed; 9) an acoustic consultant regularly services the noise limiter.
LIC300228635	Mosman Rowers	Restricted	All live music in the Puller room shall cease at 11:30 pm.
LIC300229351	Paestlow RSL Club Limited	Restricted	By agreement, the Club is not to conduct any functions which provide for the sale of liquor or the provision of entertainment after 12:30 am. It is expected that all patrons will be ushered off the premises as soon as reasonably possible after this time.
LIC300229613	Peterstam Bowling Club Limited	Restricted	No entertainment or music to continue past the current voluntary restriction of 11:30 pm.
LIC300230058	Royal Motor Yacht Club of NSW Limited (Foot Hacking Branch)	Restricted	No entertainment which involves amplified music is to be provided in the Sports Bar. No amplified music is to be provided in the Southern Cross Room until the renovation work is concluded to the satisfaction of Council. An additional compliance test is to be carried out by Mr Cooper prior to usage by the Club and such report is to be submitted to Council and the Casino, Liquor and Gaming Control Authority. The Club is to install a 'red sound monitor' or other like product in the Bass & Pindars Room within 14 days. The monitor is to be hard-wired back to the main control unit with a 'last response not greater than one (1) second and properly calibrated over the entire audible frequency range to ensure strict compliance with Casino, Liquor and Gaming Control Authority and Council noise conditions. All entertainment must cease at 12 midnight.
LIC300230662	Sutherland District Trips Union Club Ltd	Restricted	External doors and windows must be closed after 9:30pm when amplified music is being played. No amplified music may be played on the outdoor terrace.
LIC300231046	Wooloware Golf Club Limited	Restricted	From 6:00pm on any trading day the playing of amplified music or the public address system must not be operated in the outdoor beer garden area. For the purpose of this condition the Director, Compliance & Enforcement Office of Liquor, Gaming & Racing as a delegate of the Secretary may consider varying or revoking the condition on application by the club on the basis that the club has completed the noise mitigation work recommended in the report of Rodney Stevens Acoustics Pty Limited dated 18 March 2015. Further, upon completion of the acoustic mitigation work the club will undertake acoustic compliance testing and within 21 days of such testing will provide OLR with an acoustic report which will evidence that the club's external outdoor beer garden and PA amplification system complies with the LA10 noise criteria.
LIC300231291	Many Warringah Masonic & Community Club	Restricted	Music may commence at 6:30pm and shall terminate at 11:30pm except on Sundays when music will terminate at 11:00pm.
LIC300231526	Bundeena Bowling & Sports Club Co-operative Limited	Restricted	The club is permitted to hold a dance each Friday and Saturday night involving a live band and/or a disc jockey when attracts older patrons and which dances at the times referred to below. The Friday dance is to conclude at 02:00 am on the following day. The Saturday dance is to conclude at 02:30 am on the following day. On Friday and Saturday nights when live music is concluded, the club is to engage no less than three (3) licensed security officers to ensure that patrons depart the club quietly and in an orderly manner.
LIC300236796	CLUB O'MINA	Restricted	No heavy metal, hard rock, punk, electronic/dance, rap or rave music is to be provided in the club.
LIC300236726	Etalong Diggins	Restricted	No live entertainment or music for dancing/disco is to be provided after 03:00 am on any night.

LIQC300236501	Cobar Memorial Services & Bowling Club	Restricted	All live entertainment, Disco or Disc Jockey is to cease by 01:30 am each morning except Sunday which will remain at 12:00 midnight.
LIQC300236528	Cobar Bowling & Golf Club Ltd	Restricted	All live entertainment, Disco or Disc Jockey is to cease by 01:30 am each morning except Sunday which will remain at 12:00 midnight.
LIQC300237033	Merimbula RSL Club Limited	Restricted	No rock bands are to perform in the premises
LIQC300238601	Kempsey Macleay RSL Bowling And Sporting Club	Restricted	No rock bands are to perform in the premises
LIQC300238652	Kempsey Macleay RSL Club	Restricted	On Friday nights when entertainment is provided, the club shall ensure that a genuine meal is available for patrons until the premises cease to trade
LIQC300240533	Dovalson Wyse RSL Club Limited	Restricted	(a) Whenever live music or entertainment is provided at the Club: i) live music played in the auditorium to cease by 01:00 am Saturday morning, Sunday morning and New Year's Day. Live music to cease by midnight on any other night. ii) All external doors from the auditorium to the car park to be closed whenever bands are practicing or performing. vii) Continuous patrols of the parking area by an adequate number, but in any case, not less than two (2) experienced and clearly identifiable Security Personnel shall be made for the express purpose of reducing anti-social behaviour and of limiting noise. Patrols to be extended to include Wentworth Avenue along the boundary of the club premises to the Pacific Highway. These patrols to continue until thirty (30) minutes after the last patron has left the area. iv) after 01:00 am, service of alcohol to be limited to two (2) drinks per person, per visit to the bar. v) the club secretary or the senior manager then on duty is to respond quickly and effectively to any complaint from residents regarding noise or disturbance from the premises. Residents to notify local Licensing Police if there is no effective response. vi) the club secretary shall cause a record to be made of any complaint received, and what action has been taken to address the complaint.
LIQC300240657	Kambon Bowling Club Co-operative Limited	Restricted	No amplified entertainment permitted in the south outdoor deck area
LIQC300240659	Westis City	Restricted	Any future amplified entertainment is to cease at 12:00 midnight.
LIQC300241017	Royal Motor Yacht Club Toronto	Restricted	UNDERTAKINGS GIVEN BY CLUB ON 11 JUL 1990 PURSUANT TO SECTION 17(AA) COMPLAINT: - Entertainment ceases at 12:00 midnight. - Attempts made to employ bands without drummers. - Doorman employed to patrol streets - Acoustical survey being undertaken. - Club investigating proposal to man stage area and seal windows. - The names and addresses of any persons who are parties to these proceedings, are not to be made known to any person outside this proceedings.
LIQC300241033	South Newcastle Rugby League Club Ltd	Restricted	Notwithstanding the condition to cease trading at 12:00 midnight and subject only to strict compliance with the other conditions, the Club is to be permitted to trade until 02:00 am on New Years Eve, provided any entertainment ceases not later than 01:30 am.
LIQC300241211	Toukley RSL Sub-Branch Club Limited	Restricted	The club is not to engage 'hard rock' or large bands or excessively noisy bands, groups or entertainment. Live bands are to be limited to the old time dance band on Friday night and modern type music, 50/50 and dance functions on Saturday nights and the Sunday evenings of long or holiday weekends.
LIQC300242102	Wauchope RSL Club Ltd	Restricted	That entertainment on Friday nights is to be from 08:00 pm until 12:30 am only
LIQC300242455	Kyogle Bowling Club Limited	Restricted	On entertainment nights, bands are to cease playing not later than 12:30 am
LIQC300242668			
LIQC300243710	Windsor RSL Club Ltd	Restricted	No amplified entertainment is to be provided in the outside area of the premises which is located on the corner of Argyle Street and runs down the length of Mileham Street. This area is labelled "lawn" on plan 1 dated August 2014
LIQC300245101	Wyong Rugby League Club	Restricted	The club shall not engage rock bands of any type or bands which play rock music other than on six (6) occasions during the year, on which occasions, advertisements will be displayed to inform local residents.
LIQC324007159	Newcastle United Sports Club	Restricted	Live entertainment within the club shall be limited to no more than three (3) bands. All live entertainment shall cease thirty (30) minutes prior to the cessation of trade, but not later than 12:00 midnight
Liquor - hotel licence			
LIQH4001000986	The Flinders Hotel, Darlingtonhurst	Restricted	On those nights that entertainment is conducted at the hotel the doors to the Ground Floor Bar Area and the windows in this area are to be closed after 10:00 pm (except for patron ingress and egress).
LIQH4001001159	Armadale Hotel	Restricted	Live entertainment to cease at 01:00am on Thursday to Saturday
LIQH4001001183	Ashfield Hotel	Restricted	No live/rock bands are to perform in the premises.
LIQH4001002095	Blue Cattle Dog Hotel	Restricted	That no live entertainment be permitted in the hotel after 12:00 midnight whilst this variation of trading hours is operating.
LIQH400100299	Greenwood Hotel	Restricted	Live entertainment shall be restricted to 08:00am to 03:00am the following day Mondays to Saturdays and 10:00am to midnight on Sundays. For the purpose of this condition live entertainment includes entertainment provided by persons physically present or the provision of music by a disc jockey.
LIQH400100329	Bald Rock Hotel	Restricted	Entertainment provided at the Hotel will be restricted to Folk Music provided by no more than two (2) persons, and no drum music will be amplified.
LIQH4001004450	Beifield Hotel	Restricted	No rock bands will be permitted and no discotheques will be conducted on the premises
LIQH4001004493	Belmore Hotel	Restricted	No entertainment of any type other than amusement devices shall be provided after 12:00 midnight.
LIQH400100568	Bexley North Hotel	Restricted	No rock bands be engaged after the 01 AUG 1982.
LIQH400100590	Blue Gum Hotel	Restricted	Live entertainment is permitted on Friday nights up until 10:30 pm only.
LIQH400100825	The Morrison Bar & Oyster Room	Restricted	that the licensee agrees to the following conditions being imposed on the licence. All music for dancing and/or amplified music (apart from low volume background music) is to cease at 10:00 pm on Sunday evenings. No music for dancing and/or amplified music (apart from low volume background music) is to be provided before and after 12:00 midnight.
LIQH400100833	Brookvale Hotel	Restricted	That entertainment be provided before and after 12:00 midnight.
LIQH400100841	Buena Vista Hotel	Restricted	Music to be provided by not more than a three (3) piece musical ensemble.

LIQH400100892	Burdakin Hotel	Restricted	CONDITIONS AS TO ENTERTAINMENT: At no time shall live entertainment (if permitted) include music provided by rock/roll or disco bands. * Any live entertainment (if permitted), shall cease thirty (30) minutes before the hotel's closing time. *Without in any way limiting the operation of the condition marked *, no amplified music shall be played on the hotel after the hotel's closing time. No speakers shall be attached to the exterior of the hotel or placed outside the hotel. All live music at the hotel is to cease at: - a) 12:00 midnight Monday to Wednesday; b) 02:30 am Thursday to Saturday; and c) 11:30 pm Sunday.
LIQH400100981	The Paddington Hotel	Restricted	No entertainment in approved lounge area after 12:00 midnight except on New Years Eve
LIQH400101236	Chester Hill Hotel	Restricted	No live entertainment involving strippers or table dancers is to be permitted on the premises.
LIQH400101244	The Bank Hotel Sydney	Restricted	Entertainment by way of Rock & Roll Bands to cease forthwith and not to resume until licensee satisfies Board the hotel can meet noise conditions attached to the Entertainment Authorisation.
LIQH400101279	Civic Hotel	Restricted	That live music cease by 11:15 pm and recorded music cease by 11:45 pm. The band is to stop playing at 09:30 pm on Sunday nights.
LIQH400101333	Clovelly Hotel	Restricted	No entertainment after 03:00 am.
LIQH400101368	Collingwood Hotel	Restricted	No rock bands to be engaged.
LIQH400101376	East Village Hotel Balmain	Restricted	No entertainment of any type other than amusement devices, shall be provided after 12:00 midnight.
LIQH400101414	Narwee Hotel	Restricted	All live entertainment provided will cease at 2:30am and recorded music will cease by 2:45am.
LIQH400101554	The Ranch	Restricted	Live entertainment will only be provided for a maximum of two (2) nights a week subject to the following conditions: a) Monday to Thursday live entertainment to cease no later than 11:15 pm Friday & Saturday live entertainment to cease no later than 12:00 midnight Sunday live entertainment to cease no later than 10:00 pm; b) when live entertainment is provided on Sunday to Thursday the licensee shall provide one (1) licensed uniformed security officer to continually patrol the area set out in condition 25 from 9:00 pm until the last patron has left the vicinity of the licensed premises. A further licensed uniformed security officer is to be stationed at the door of the main entrance (on Darling Street) to supervise the patrons leaving the premises from 8:30 pm until closing.
LIQH400101570	Cricketer's Arms Hotel Balmain	Restricted	The type of performers be restricted to soloists, duos and trios, and low background music and TV screens, and that there should be no live rock bands.
LIQH400101635	Northies - Cronulla Hotel	Restricted	No live amplified entertainment will be provided after 12:00midnight on any night of the week.
LIQH400101694	Crown on McCreddie	Restricted	On Fridays, Saturdays and on any other day when live entertainment is provided, from 11:00pm until 9:00am the following day, any drink (whether or not it contains liquor) that is sold or supplied for consumption on the premises must only be served in either fully tempered glass or non breakable plastic (including but not limited to polycarbonate) containers.
LIQH400101716	Crows Nest Hotel	Restricted	The entertainment is to cease by 11:30 pm on any night.
LIQH400101732	Crown Park Hotel	Restricted	The applicant will not conduct any live entertainment upon the licensed premises after 12:00 midnight on any night.
LIQH400101775	Time & Tide Hotel	Restricted	
LIQH400101783	Dee Why Hotel	Restricted	There is to be no entertainment on the licensed premises after 12:00 midnight Sunday to Wednesday inclusive, with the exception of New Years Eve and not more than nine (9) other occasions in any year. Any such occasions are to be notified to the Local Patrol Commander in writing at least fourteen (14) days before the occasion. On any such occasions live bands are not to be engaged.
LIQH400101821	Metropolis Hotel	Restricted	SECTION 87 GRANTED ON 21 JUN 1990 FOR FUNCTIONS TO BE HELD EACH SUNDAY FROM 4.00 PM UNTIL 9.00 PM IN THE AREA KNOWN AS RESTAURANTS & PIANO BARS - VARIED ON 17 MAR 1994 TO EACH FRIDAY FROM 07.00 PM TO 01.00 AM THE FOLLOWING DAY. CONDITIONS: All liquor to be removed from the area and stored in a secure place. Liquor not to be available, accessible or consumed on the licensed premises. The licensee to take all reasonable measures to prevent admittance by persons who appear to be affected by liquor. The licensee to take all reasonable measures to prevent persons bringing liquor onto the premises. No approved amusement devices to be located in the area or accessible from the area. A total of not less than eleven (11) adults over the age of twenty one (21) years be engaged by the licensee to be in the company of the minors during occasions that they are on the premises under the authorisation and be solely engaged for that purpose. (This is exclusive of persons employed as bar attendants, waiters, kitchen staff and doorman). The licensee shall take all reasonable measures to ensure that no person under the age of fifteen (15) years is admitted on the Disco Nights. The licensee shall take all reasonable measures to ensure that there is no undue noise or other disturbance on the premises or by people entering, loitering or leaving the premises. The number of persons permitted on the premises shall not exceed that number permitted under the existing entertainment authorisation. The police notified fourteen (14) days prior to the holding of a Disco Night under the authorisation. Licensee to advertise no liquor available on the premises on Disco Nights. The licensee shall cease trading at 09:00 pm and all patrons be off the premises by 09:30 pm. No liquor to be sold, supplied or consumed on the licensed premises for the period of thirty (30) minutes prior to the function until thirty (30) minutes after the function.
LIQH400101899	Duke of Gloucester Hotel	Restricted	Hours of trade are to be extended to 02:00 am on Wednesday to Saturday and 1:00 pm on Sunday, with patrons to have left the hotel by that time. Entertainment is not to be provided after 12:00 midnight Monday to Saturday and after 10:00 pm on Sunday.
LIQH400101945	Minsky's Hotel	Restricted	Extended Trading Conditions: In the areas approved, entertainment will be provided with at least two (2) 'spots' or floor shows nightly, one (1) before and one (1) after 12:00 midnight.
LIQH400101961	Blackdown Inn Hotel	Restricted	That no entertainment be provided on the premises after 12:00 midnight, with the exception of Thursday, Friday and Saturday nights, when entertainment can be provided until 03:00 am, provided that the hours of such entertainment shall be subject to Council approval.
LIQH400102003	Eastwood Hotel	Restricted	Only recorded background music is to be provided in the Saloon Bar and Gaming Room between the hours of 12:00 midnight and 7:00am.
LIQH400102100	Epoking Hotel	Restricted	No heavy metal live bands are to perform in the premises after 12:00 midnight apart from in Tracks nightclub provided this restriction shall not be taken to include entertainment in the bistro, lounge and saloon bar areas of the premises by duo, solo or groups of up to five (5) instrumental and vocal acts. All bands are to be contracted to comply with sound level restrictions referred to above with the penalty for breach of contract to be immediate cessation of play and non-payment of fee.

LIQH400102151	Evening Star Hotel	Restricted	TIME FOR ENTERTAINMENT TO CEASE - Any live entertainment provided shall cease fifteen (15) minutes before the hotel's closing time. Without in any way limiting the operation of the above condition, no amplified music shall be played on the hotel after the hotel's closing time. Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises. No live music is permitted between 12:00 midnight and close.
LIQH400102232	Pier One Sydney Harbour	Restricted	Non-use of glass condition from 11:30pm until the close of business, whenever the premises or any part of the premise is trading as a nightclub operation. The licensee must ensure that no patron in the premises has access to any glass: 1.1 drinking vessel, or 1.2 container (such as a bottle or jug) from which drinks could be poured. This condition does not apply to a room in which a resident of the premises is residing. "Nightclub operation" refers to times where the licensee premises, or any part of the licensed premises, is used to provide entertainment by way of live or recorded amplified music where there is a space offered to patrons for dancing. Typical features of a nightclub operation may include loud music, a dance floor area, low background lighting, and intermittent bright or coloured lighting effects.
LIQH400102313	Goro's	Restricted	No live entertainment to be conducted on the premises later than 03:00 am Monday to Saturday and 12 midnight on Sunday.
LIQH400102348	Forest Inn Hotel	Restricted	All music for dancing and/or amplified music (apart from low volume background music) cease at 10:00 pm on Sunday evenings. No music for dancing and/or amplified music (apart from low volume background music) be provided before 12:00 noon on any day.
LIQH400102380	Fortune of War Hotel	Restricted	That no entertainment (in form of live or recorded music) be allowed in the extended trading period.
LIQH400102410	Avondale Hotel	Restricted	No amplified music within the beer gardens.
LIQH400102453	PJ's Irish Pub Parramatta	Restricted	All entertainment shall cease at 10pm on any day.
LIQH400102542	Milestone Hotel Leichhardt	Restricted	That live entertainment, when provided, shall cease at a time not later than one (1) hour prior to the hotel ceasing to trade.
LIQH400102623	Golden Sheaf Hotel	Restricted	5. No live entertainment is to be permitted in any area of the hotel after 12:00 midnight on any night other than Christmas Eve and New Year's Eve.
LIQH400102690	Grand Hotel	Restricted	No rock bands are to perform in the hotel.
LIQH400102763	Green Gate Hotel	Restricted	No live or amplified music to be played past 8:00pm in the carpark with the exception of 31st December on New Year's Eve.
LIQH400102879	Gymea Hotel	Restricted	Entertainment comprising live bands with amplified music shall cease at 09:30 pm on Sunday and 10:30 pm on Monday to Saturday.
LIQH400102933	Harold Park Hotel	Restricted	Entertainment comprising live theatre shall cease at 09:30 pm on Sunday and 11:30 pm on Monday to Saturday.
LIQH400102969	Marockville Ritz Hotel	Restricted	No entertainment other than background music will be provided after 12:00 midnight.
LIQH400103133	Norrons on Norton	Restricted	No live entertainment between 02:00 am and 10:00 am.
LIQH400103344	Lakemba Hotel	Restricted	No entertainment of any type other than the amusement devices shall be provided after 12:00 midnight.
LIQH400103395	Leichhardt Hotel	Restricted	Light entertainment only is permitted on the upper level to be conducted ancillary to dining (no live rock, event, or heavy metal bands or the like). All acoustic related to above are to be closed by 12 midnight.
LIQH400103492	Ryedales Tavern	Restricted	Entertainment is to be provided of two (2) performances of not less than forty five (45) minutes duration, one (1) before and one (1) after 12:00 midnight. Dance music is to be provided at other times.
LIQH400103573	Lord Nelson Hotel	Restricted	CONDITIONS AS TO ENTERTAINMENT: i) Only entertainment appropriate to the particular premises to be permitted; ii) When amplified entertainment is provided or sound reproductive equipment is used at the licensed premises, there is to be utilised in the provision of
LIQH400103646	Woolloomooloo Bay Hotel	Restricted	That the hotel shall not provide live entertainment after 10:00 pm on Sundays.
LIQH400103727	The Brewinhouse at Marayong	Restricted	Entertainment shall not be conducted on the premises between midnight of any day and 10:00 am the next following day.
LIQH400103840	Mercantile Hotel	Restricted	TIME FOR ENTERTAINMENT TO CEASE- a) any entertainment provided, whether live or by means of sound reproductive equipment, is to cease on Mondays to Saturdays by 12:30 am on the following morning; b) without in any way limiting the operation of the above paragraph, no amplified music shall be played in the hotel after the hotel's closing time.
LIQH400103926	The Crown Hotel, Revesby	Restricted	No live entertainment to be provided after 12:00 midnight.
LIQH400103972	Miranda Hotel	Restricted	Musical entertainment is to cease at 2:30 am.
LIQH400104014	Mortdale Hotel	Restricted	Any licence for live entertainment, music for dancing and amplified music, other than a jukebox, will be restricted to cease at 12:00 midnight.
LIQH400104022	Hotel Mosman	Restricted	No live bands or disco-type music for dancing to be provided on the premises. No loudspeakers or amplification that would cause a disturbance.
LIQH400104081	New Brighton Hotel	Restricted	Live entertainment is permitted on the ground floor, first floor and second floor and ambient background music is permitted on the rooftop through internal speakers only.
LIQH400104405	Orange Grove Hotel	Restricted	Bands to play only on Monday, Friday and Saturday nights.
LIQH400104413	Orient Hotel	Restricted	TIME FOR ENTERTAINMENT TO CEASE- i) any live entertainment provided is to cease thirty (30) minutes before the hotel's closing time; ii) without in any way limiting the operation of Condition No. F, no amplified music shall be played on the hotel after the hotel's closing time.
LIQH400104421	Pine Inn Hotel	Restricted	No live entertainment (bands or DJs) are to be used at the venue between 9pm to close. 7days
LIQH400104456	Oxford Hotel Drummoine	Restricted	No live music is permitted on the outdoor terrace at any time and any amplified music provided on the terrace is limited to background music or music/sound provided by video screens.
LIQH400104472	Oxford Tavern Hotel	Restricted	All live entertainment is to cease at 11:30 pm.
LIQH400104634	Argyle Street Hotel Parramatta	Restricted	Entertainment to be provided to comprise at least two (2) floor shows nightly, one (1) before and one (1) after 12:00 midnight.
LIQH400104669	Hotel Penrith Hills	Restricted	All entertainment is to cease fifteen (15) minutes prior to the closing of trade.
LIQH400104685	Petersham Inn Hotel	Restricted	No live entertainment is to be provided in the Public Bar after 12:00 midnight.

LIQH400104715	The Duck Inn Pub and Kitchen	Restricted	There is to be no music of any kind played in the Beer Garden.
LIQH400104766	Jacksons on George	Restricted	Without limiting the noise condition already applicable to the premises - No music or other noise to be emitted from the external speakers on either side of the doorways of the George Street frontage after 09:00 pm on any night.
LIQH400104960	Central Hotel Surry Hills	Restricted	Only quiet, low level background music shall be played in the licensed premises.
LIQH400105010	Revesby Pacific Hotel	Restricted	The licensee must ensure that no live entertainment is provided during extended trading hours on Sundays.
LIQH400105045	The Riverview Hotel Tempe	Restricted	Any place within the licensed premises in which entertainment is provided shall not be partitioned so as to prevent observations of the activity in that place.
LIQH400105098	The Village Inn Paddington	Restricted	No live rock bands or DJ entertainment will be provided on the licensed premises.
LIQH400105126	Rose Bay Hotel	Restricted	There shall be no live music provided in the hotel on any day after 12:00 midnight.
LIQH400105193	Royal Hotel	Restricted	All live entertainment, music for dancing and amplified music cease at 12:00 midnight (being the hour specified in the Council's entertainment approval).
LIQH400105207	Royal Hotel	Restricted	After 12:00 midnight no music is permitted in the public bar which is audible on the street or in the adjacent properties.
LIQH400105215	Royal Hotel	Restricted	No public entertainment to be provided on the 1st Floor.
LIQH400105231	Royal Hotel	Restricted	No entertainment, live or otherwise, other than approved amusement devices shall be provided during the extended hours of operation.
LIQH400105266	Royal Hotel	Restricted	No entertainment other than background music will be provided after 12:00 midnight.
LIQH400105274	Royal Hotel	Restricted	That no entertainment shall be conducted upon the licensed premises after 11:30 pm.
LIQH400105398	Royal Oak Hotel	Restricted	No live performance bands are to perform in the premises between 12:00 midnight and 07:00 am.
LIQH400105401	Royal Oak Hotel	Restricted	No entertainment of any type is permitted after midnight in the Bistro Outdoor Area or Beer Garden.
LIQH400105509	Saxville Hotel	Restricted	No later than 1.45am all house lighting shall be turned to full power and the level of amplified music shall be reduced.
LIQH400105525	Holey Moley	Restricted	No amplified music is to take place within the hotel after 12:00 midnight Monday to Saturday and after 10:00 pm on Sunday. The noise from the juke box is not to be audible at the boundaries of residential properties at any time.
LIQH400105754	Oasis on Beamish	Restricted	No entertainment of any type other than amusement/gaming devices being provided after 12:00 midnight.
LIQH400105789	St. George Hotel	Restricted	SECTION 25(7) ENDORSEMENT CONDITIONS - VARIED ON 14 JUL 2008: No rock bands and no discotheques permitted.
LIQH400105843	Summer Hill Hotel	Restricted	Amplified, live or electronic music or entertainment (apart from TV or background music) is not to extend beyond 11:00 pm on any night.
LIQH400105851	North Nowra Tavern	Restricted	Speakers for amplified, live or electronic music or entertainment are not to be placed on the footpath or in any external opening.
LIQH400105932	The Fire House Hotel	Restricted	Entertainment in the licensed premises is to cease at 01:00am. No live/rock bands are to perform in the premises after 00:30 am.
LIQH400105975	Tempe Hotel	Restricted	The licensee shall ensure that the closing arrangements of the Berry Street Tavern will be as follows:- a) at 04:00 am the disco area lights are to be turned on and hotel lights turned up; b) the disc jockey is to turn the music volume down between 04:00 am and 05:00 am and play background music in the said period; c) alcoholic drinks are not to be served after 04:30 am till close; d) no live bands are to play music after 03:00 am.
LIQH400106009	Three Swallows Hotel	Restricted	Live music and entertainment is only permitted inside the venue on Thursday, Friday and Saturday nights and must cease by 11 pm.
LIQH400106033	Doonside Hotel	Restricted	Entertainment to be provided in the form of live (2) floor shows nightly, one (1) before and one (1) after 12:00 midnight.
LIQH400106084	Town Hall Hotel	Restricted	No entertainment to be provided on the premises after 11:30 pm.
LIQH400106335	The Treehouse Hotel	Restricted	No entertainment shall be provided at the premises after 12:00 midnight other than atmosphere background music. Such music is to be controlled by the licensee and/or her or his staff.
LIQH400106467	Bar Broadway	Restricted	All entertainment at the premises is to cease at 11:45 pm other than Thursday, Friday and Saturday nights when it must cease at 01:30 am the next succeeding day.
LIQH400106556	Whitehorse Hotel	Restricted	CONDITIONS IMPOSED ON 17 OCT 2008 PURSUANT TO SECTION 104 COMPLAINT: The licensee will not seek development consent to conduct entertainment on the premises or any part of it without first giving notice to each of the occupiers of No 1 Dwyer Street, Chippendale. The licensee will take all reasonable steps to convert the use of Level 1 of the premises to residential accommodation and will not seek by any application to change that use without first giving notice to the occupiers of No 1 Dwyer Street, Chippendale.
LIQH400106564	Wiley Park Hotel	Restricted	Entertainment to cease at 12:00 midnight.
LIQH400106610	Woolanra Hotel	Restricted	There will be no entertainment provided in the Casino Tavern other than a jukebox.
LIQH400106661	Yagoona Tavern	Restricted	No live rock bands to perform at the Hotel.
LIQH400106828	Albion Hotel	Restricted	No live rock bands to be employed at the hotel. Nothing more than two (2) light instruments are to be used, that is instruments which are consistent with compliance with Condition (e) of the Entertainment Authorisation. Further noted that any amplification used will have a switch to take out the bass sound.
LIQH400108192	Newmarket Hotel	Restricted	Entertainment means live entertainment or music provided by a disc jockey and does not include in-house music.
LIQH400108583	Tooleybuc Hotel	Restricted	No live/rock bands are to perform in the premises except in respect of organized functions on the premises. When live bands are to be engaged when the premises are to trade after 12:00 midnight, not less than forty eight (48) hours notice is to be given to Albury Police.
LIQH400108974	Tourist Hotel	Restricted	No live music after 12 midnight due to the close proximity to residential homes and motel.
LIQH400109091	Tathra Hotel	Restricted	Bands shall cease playing 10 minutes prior to closing time.
		Restricted	No live entertainment is to be provided after 12:00 midnight on Monday to Thursday or Sundays.

LIQH400109156	Grange Hotel Motel	Restricted	CONDITIONS IMPOSED ON 06 SEP 2008 PURSUANT TO VARY TRADING HOURS: No live entertainment after midnight. On Friday and Saturday evening and at any other time when the premises trade past midnight, the licensee is to engage two (2) security personnel to patrol in the premises and vicinity until half hour after the last patron has left the vicinity. No person is to be permitted entry to the premises past midnight. The licensee is to provide the services of a courtesy bus (minimum twelve (12) seater) on Friday and Saturday nights and any other night when the premises trade past midnight from 08:00pm until the last patron has left the premises. Entertainment allowed in the Beer Garden to be of a non-offensive acoustic style and to be played no later than 7:30PM on any given day.
LIQH400109180	Sawell Hotel	Restricted	The licensee must not permit live amplified music to be played in the rear deck or beer garden area of the hotel. Live amplified music refers to any form of live band, DJ entertainment.
LIQH400109199	Ocean View Hotel	Restricted	Any entertainment in the Public and Saloon Bars is restricted to 11:00 am to 10:00 pm on Sundays. AND, if the Beer Garden is subsequently authorised, entertainment is restricted to 11:00 am to 08:00 pm on Sundays
LIQH400109202	Park Beach Hotel	Restricted	No rock bands are to perform in the premises
LIQH400109369	Royal Hotel Bowral	Restricted	
LIQH400109649	Bay View Hotel	Restricted	During any late trade night after midnight there is to be No live entertainment. Specifically amplified music, live bands or DJ style nightclub activities.
LIQH400109865	Northlakes Tavern	Restricted	Entertainment in compliance with the Liquor Act to be provided both before and after 12:00 midnight in the Lounge/Dining Area.
LIQH400109946	Grand Hotel	Restricted	No entertainment in Saloon Bar after 12:00 midnight
LIQH400109962	Lakes Hotel - The Entrance	Restricted	No live entertainment other than background music will be provided in the hotel after 12:00 midnight.
LIQH400109970	The Long Jetty Hotel	Restricted	No bottles to be sold in the hotel on entertainment nights, after 12:00AM midnight.
LIQH400109997	Royal Hotel	Restricted	Entertainment after midnight to be restricted to single or duo performances.
LIQH400110014	Terrigal Hotel	Restricted	No live/rock bands are to perform in the premises
LIQH400110081	The Haymarket Hotel	Restricted	A2 There shall be no stage or dedicated dance floor in the premises. Any live entertainment shall not include heavy metal, punk or rock bands.
LIQH400110266	Mulga Hill Tavern	Restricted	Live music, when held, is to cease at 12:00 midnight.
LIQH400110308	Northorn Hotel	Restricted	No live entertainment after 11:45 pm. (New Year's Eve excepted)
LIQH400110340	Rising Sun Hotel	Restricted	No entertainment of any kind, musical or otherwise, to continue after 12:00 midnight, except for the jukebox presently situated on the premises, which is to be subject to noise emission levels referred to in the condition 250. All bands are to be contracted to comply with sound level restrictions referred to in the condition 250, with the penalty for breach of contract to be immediate cessation of play and non-payment of fee.
LIQH400110545	The Riverside Tavern	Restricted	Entertainment shall be limited to exclude loud rock bands
LIQH400110596	Camden Hotel	Restricted	Glass condition From 10:00pm until the close of business on Thursday, Friday, Saturday and Sunday nights, any night preceding a public holiday or any night when entertainment is offered, the licensee must ensure that no patron has access to any glass: a. drinking vessel, or b. container (such as a bottle or jug) from which drinks could be poured.
LIQH400110626	Narellan Hotel	Restricted	On the following days: a. Friday, Saturday and Sunday b. On any day before a public holiday c. On any day that entertainment is offered. From 10:30pm to close of business, the licensee must ensure that no patron in the premises has access to any glass or breakable plastic: a. drinking vessel, or b. container (such as a bottle or jug) from which drinks could be poured. Entertainment refers to any form of live band or live DJ entertainment.
LIQH400110642	Royal Hotel Camden	Restricted	The stage area from which entertainment is provided shall not be increased in size.
LIQH400110685	Terry Hills Golf and Country Club	Restricted	No live entertainment will be provided on the licensed premises except as an adjunct to private function or as an accompaniment to dining.
LIQH400110723	Coogee Pavilion	Restricted	The hours of operation for which live entertainment is permitted shall be limited to: (a) Ground Level - 12:00 midnight Sunday to Wednesday, 01:00am on Thursday and 03:00am Friday and Saturday (b) Middle Level - 12:00 midnight on every night of the week (c) Top Level - 12:00 midnight on every night of the week
LIQH400110731	Empire Hotel	Restricted	All live entertainment, Disco or Disc Jockey is to cease by 01:30 am each morning except Sunday which will remain at 12:00 midnight.
LIQH400110758	Grand Hotel	Restricted	All live entertainment, Disco or Disc Jockey is to cease at 01:30 am each morning except Sunday which will remain at 12:00 midnight.
LIQH400110786	Great Western Hotel	Restricted	All live entertainment, Disco, or Disc Jockey is to cease by 01:30 am each morning except Sunday which will remain at 12:00 midnight.
LIQH400110790	Bradbury Inn Hotel	Restricted	No live entertainment or music for dancing shall be provided on the licensed premises after 12:00 midnight. Any Music provided after that time shall be by way of background music only.
LIQH400111142	Imperial Hotel	Restricted	No entertainment at the hotel after 12:00 midnight.

LIQH400111560	Blue Wooloomooloo Bay Sydney	Restricted	No live rock bands or the like are to perform on the licensed premises. The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) by more than 5dB between 7.00 am and midnight, at the boundary of any affected residences in The Wharf Terraces, Strata Plan 57623, Wharf 11, Wooloomooloo Bay. The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) between midnight and 7.00 am, at the boundary of any affected residences in The Wharf Terraces Strata Plan 57623, Wharf 11, Wooloomooloo Bay. Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises in The Wharf Terraces between the hours of midnight and 7.00 am.
LIQH400111444	Crown Hotel Parramatta	Restricted	No live DJ entertainment is permitted on the ground floor.
LIQH400111711	Lachlan Valley Hotel	Restricted	Bands must cease at 12:00 midnight.
LIQH400111789	Conargo Hotel	Restricted	Entertainment conducted on the licensed premises shall not commence prior to 12 midday and not extend after 9:00pm (if conducted in the beer garden) or 1.00am (if conducted inside the premises). On any Sunday that entertainment is conducted on the premises shall cease at 9.00pm.
LIQH400111827	Ambarvale Hotel	Restricted	After midnight there is to be no live entertainment. The tavern is not to be used as a nightclub, and the main entry to the Tavern is closed at midnight and entry be via the Gaming Room or Dining Area provided that access through the Bistro must be available after midnight.
LIQH400111878	The Exchange Hotel - Deniliquin	Restricted	No entertainment shall be conducted in the Hotel Courtyard after midnight.
LIQH400112130	South Dubbo Tavern	Restricted	Entertainment is to be confined to solos, duos, small cover bands and country and western music - no large rock bands and the like are to provide entertainment. All doors and windows of the entertainment area are to be closed when entertainment is to be provided. The standard noise emission control condition imposed by the Liquor Administration Board will apply to the premises with the added stipulation - that the sound noise level monitor is to be set on linear not dB(A) with a maximum level of 105 dB at 5 metres from the PA systems.
LIQH400112173	Namomine Hotel	Restricted	Service of alcohol is to cease at midnight on Friday and Saturday nights or any other night in which entertainment is provided, or a function is being held on the licensed premises.
LIQH400112386	Royal Willows Hotel/Motel	Restricted	All entertainment shall cease thirty (30) minutes prior to the licensed premises closing.
LIQH400112890	Crown Hotel	Restricted	The sale or supply of liquor shall cease by 1.45 am and the premises shall not be kept open after 2.00 am, on nights when entertainment is provided.
LIQH400113501	Gummedah Hotel	Restricted	No patrons are to be admitted to the premises after 12:00 midnight. No intoxicating liquor is to be sold or supplied after 02.00 am. No entertainment is to be provided after 02.00 am.
LIQH400113552	Commercial Hotel Motel	Restricted	No loud bands, such as Cruisers, Soggy Mattress, Poe. Patrons are to be engaged until such time as the Authority is satisfied that the premises comply with the noise condition.
LIQH400113927	The Valley Tavern	Restricted	Jazz, Folk and Popular music may be performed by live musicians provided that the LA10* noise level emitted from the licensed premises does not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz - 8kHz inclusive) by more than 5dB between 7.00am and 12:00 midnight at the boundary of any affected residence. If the premises ever trade beyond 12:00 midnight, the LA10* noise level emitted from the licensed premises is not to exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) between 12:00 midnight and 7:00am at the boundary of any affected residence. Notwithstanding compliance with the above, the noise from the licensed premises is not to be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7.00am. Interior noise levels which still exceed safe hearing levels are in no way supported or condoned by the Office of Liquor, Gaming and Racing. * For the purposes of this condition, the LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises.
LIQH400114192	Salamander Tavern	Restricted	Any live entertainment provided be solo, duo or small groups of artists (not more than four (4) and not heavy metal or large bands) and shall cease no later than 12:00 midnight. The starting and finishing times of entertainment not be advertised or announced. No charge be imposed for admission to the licensed premises when entertainment is provided.
LIQH400114397	Royal Tavern	Restricted	From 09.00pm on every trading night the licensee must ensure that there is no amplified music* in the beer garden area of the premises. * amplified music refers to any form of music which is electronically amplified including live bands, DJ entertainment, or jukebox.
LIQH400114400	Manly Wharf Hotel	Restricted	The speakers located in the outdoor balcony area of the premises are to be turned off at 10pm and no further music is to be played in this area.
LIQH400114435	Albion Park Hotel	Restricted	On Thursday, Friday and Saturday entertainment is to cease at least thirty (30) minutes prior to the close of trade.
LIQH400114486	Grand Hotel	Restricted	Usual entertainment conditions to apply. Live entertainment will cease on all occasions by 12.00 midnight.
LIQH400114508	Ocean Beach Hotel	Restricted	That on any trading day, any form of entertainment must cease at 12:00 midnight (this does not include amplified background music or any juke box style music) except for New Years Eve when entertainment must cease at 12:30 am.
LIQH400114540	Tommy's Tavern	Restricted	Use of the open air internal partially covered courtyard area in the North Western corner of the Hotel (Courtyard) shall be restricted as follows: (a) After 8pm each evening no audio or audio visual equipment (including but not limited to music speakers, public address systems, television monitors and the like) shall be in operation in a manner that produces any audible noise. No pool table, amusement machine nor any other amusement device may be in operation in the Courtyard in a manner that produces audible noise. (b) Subject to compliance with the licence condition requiring observance of the LA10 noise restriction, the Courtyard may be used between 8 and 10 pm each evening as an area in which Hotel patrons may consume food or beverages, smoke, or egress other areas of the Hotel. (c) After 10 pm each evening all use of the Courtyard by Hotel patrons shall cease. For the avoidance of doubt, if use of the Courtyard is required by Hotel staff or contractors for cleaning or other purposes after 10 pm or before 10 am the next day such use shall be subject to compliance with the LA10 noise restriction. (d) During any use of the Courtyard door, the vertical door hatch is to be in the lifted up position.

L1QH400114710	Clarence Hotel	Restricted	No live bands after 12:00 midnight. On nights when entertainment is provided, no packaged liquor is to be sold in the bar area after 11:00 pm and no person is to be permitted to leave the premises with packaged liquor after that time.
L1QH400114761	Pacific Hotel	Restricted	Amplified Music shall not be generated or entertainment provided in the Outdoor Dining, Porch and car park areas of the hotel.
L1QH400115008	Belmore Hotel	Restricted	Any entertainment provided is restricted to single entertainers or duos.
L1QH400115156	The Sprincedale Heights Tavern	Restricted	Live entertainment is to cease by 11:30pm.
L1QH400115245	Grand Junction Hotel	Restricted	No entertainment at the hotel after 12:00 midnight.
L1QH400115393	Railway Hotel	Restricted	Entertainment in the nature of quieter recorded music (not band music) shall be played from 12 midnight and shall cease at 12:50am. Thereafter background music only shall be played in the hotel premises.
L1QH400115539	Windsor Castle Hotel	Restricted	No alcohol is to be sold after 02:00am, no entertainment is to take place after 2:15am, and any entertainment after 1:45am is restricted to the playing of soft background music.
L1QH400115547	Manning River Hotel	Restricted	CONDITIONS IMPOSED ON 24 SEP 2008 PURSUANT TO COMPLAINT 1 From 8pm until close on any night live entertainment is provided, the licensee will retain an employee whose sole function from 10:00pm shall be that of a supervisor or responsible service of alcohol practices at the bar and to observe the responsible consumption of alcohol throughout the premises. This does not limit the employee from collecting drinking containers within the premise. (a) The employee is to be identified by a notation of his/her name in the incident register prior to the commencement of his/her duties. (b) The employee is to be identified by way of identifying badge or distinctive uniform. 2. From 1 December 2008, no patron is permitted to enter or re-enter the Hotel from Church Street after 10:00pm on any night live music is provided. 3. Shots, shooters or slammers are not to be sold or supplied to patrons after 10:00pm on any night. 4. The licensee is to prominently display at each exit of the premises one (1) A4 sized sign stating 'No patron is to take open glass or open containers of liquor from the premises at any time'. 5. On any night live music is provided, the licensee is to maintain a register in which the following incidents are to be recorded. (a) Any incident involving violence or anti-social behaviour occurring on the licensed premise of which the licensee or staff become aware. (b) Any incident the licensee is aware of that involved violence or anti-social behaviour in the immediate vicinity of the Licensed Premise and that involves a person who has recently left. (c) Any incident that results in a person being turned out of the premises. (d) Any incident that results in a patron of the licensed premise requiring medical assistance. 6. The incident register is to be made available to Police or an inspector upon request. 7. At the cessation of trade, an announcement is to be made to the effect that patrons should leave the premises, and the vicinity of the premises, quickly and quietly so as to avoid disturbance to the neighbourhood. 8. Signage advertising the availability of food is to be maintained so as to be visible to patrons approaching the bars of the hotel.
L1QH400115598	Avon Valley Inn Hotel	Restricted	The licensee must not permit any live amplified music to be conducted in any outdoor area of the premises. Live amplified music refers to any form of live band or live DJ entertainment where music is electronically amplified.
L1QH400115679	Lakes & Ocean Hotel	Restricted	On any night the premises trades past midnight and entertainment is provided, the licensee is to ensure that no patron is sold or supplied more than one (1) alcoholic drink at one (1) time after 01:00 am. Non standard size measures of liquor (eg. shots, shooters, slammers) are not to be sold or supplied to patrons after 12:00 midnight.
L1QH400115687	Royal Hotel	Restricted	No live entertainment or disco after 12:00 midnight.
L1QH400115695	Wingham Hotel	Restricted	All live entertainment shall cease thirty (30) minutes prior to the licensed premises closing.
L1QH400116012	Bay View Hotel	Restricted	No live amplified entertainment is to be provided (bands), unless strict compliance with condition 200 is possible and maintained. Both live entertainment (if permitted) and the operation of the disco system is to be controlled to a maximum level (as determined by the acoustical consultant, Richard Pridle) through the use of a calibrated sound level meter in strict compliance with condition 200 and the specifications set down by the acoustical consultant. Whilst entertainment, including discos, is being provided, the doors to the lounge area are to be kept closed. Self closers are to be installed on the front and side doors of the entertainment area and the licensee is to ensure that the doors are kept closed at all times when entertainment is being provided. Signs informing patrons that the doors are not to be opened when entertainment is being provided are to be placed in prominent positions near each door.
L1QH400116101	Moruya Waterfront Hotel Motel	Restricted	All entertainment, which include but not limited to live bands, DJ's and amplified music is to cease at least 30 minutes prior to the premises closing.
L1QH400116225	Kellys Insh Pub	Restricted	The licensee will not permit live entertainment after midnight. (Except N.Y.E = 1:00AM)
L1QH400116292	The Beach Hotel	Restricted	No live entertainment after 10:00 pm on Sundays.
L1QH400116322	Hotel Brunswick	Restricted	Live music after 1:00 AM is to be restricted to internal parts of the hotel.
L1QH400116403	Kingshill Beach Hotel	Restricted	Amplified entertainment is allowed in the hotel if it meets safe noise levels as detailed in the licence and is measured and recorded.
L1QH400116454	Murwillumbah Hotel	Restricted	Entertainment is not permitted to be installed and or played in the outdoor area within open aired and/or outdoor areas of the licensed premise, being the Rear Beer Garden and (New) Front Balcony before 10:00am and shall not exceed 10:00pm daily. All entertainment as listed above performed/played in the inside areas of the licensed premises must cease by 11:30pm.
L1QH400116551	Denman Hotel	Restricted	No entertainment is to be provided in the premises at any time unless the following conditions are strictly complied with:
L1QH400116608	Prince of Wales Hotel	Restricted	On nights when entertainment is provided by way of disco or otherwise, the entertainment is to cease not less than one half hour before closing time and an announcement is to be made at the cessation of entertainment to the effect that patrons should leave the hotel and the vicinity quickly and quietly to avoid disturbance of the neighbourhood.
L1QH400116772	Crossroads Hotel Narrabri	Restricted	No live entertainment shall be allowed in the outdoor area of the premises between 12 midnight and 12 noon unless the licensee has given the Local Area Commander written notice of the proposal to conduct such entertainment not less than 7 days prior to the event.
L1QH400116896	The Griffith Hotel Motel	Restricted	

LIQH400117116	Beechomber Resort and Conference Centre	Restricted	Dance party event restriction The licensee must not permit dance party events to be conducted on the licensed premises. For the purposes of this condition a 'dance party event' means any ticketed event or promotion, where entertainment is provided by a disc jockey and/or other live performance acts, whereby more than three disc jockey and/or other live performance acts are providing entertainment simultaneously within the defined boundary of the licensed premises.
LIQH400117213	Bay Hotel Motel	Restricted	An announcement to be made at the cessation of entertainment to the effect that patrons should leave the hotel and the vicinity quickly and quietly to avoid disturbance of the neighbourhood
LIQH400117280	Gates Hotel	Restricted	No rock bands to perform on the premises.
LIQH400117310	Avoca Beach Hotel	Restricted	All live entertainment is to cease at 12:00 midnight.
LIQH400117329	Commonwealth Hotel Newcastle	Restricted	No entertainment will be conducted on the premises after 11:00 pm.
LIQH400117336	The Crescent Hotel	Restricted	The licensee is not to allow any form of entertainment to be conducted on the premises after 11:00 pm.
LIQH400117507	General Washington Hotel	Restricted	Music is not to be provided in the outdoor dining area.
LIQH400117531	Stewart Gardens Hotel	Restricted	No disco, no disco type music, no rock bands and no centre fold lingerie type shows are to be provided by way of entertainment.
LIQH400117582	The Junction Tavern	Restricted	No rock bands to perform on the premises.
LIQH400117701	Coast Hotel Budgevoin	Restricted	Only duos or trios are to provide any musical entertainment on the premises and no amplification of the drums or bass guitar is permitted. On the first occasion that any duo or trio plays at the hotel, Caleb Smith Consulting is to be retained to confirm compliance with the standard noise condition. A copy of the report is to be lodged with the Authority and Council.
LIQH400117728	Blackbutt Hotel	Restricted	The sale and supply of liquor is to cease at 12:00 midnight and entertainment is to cease at 11:30 pm.
LIQH400117817	Museum Hotel	Restricted	No entertainment is to be conducted at the hotel premises after 12:00 midnight.
LIQH400117876	The New Orana Hotel	Restricted	There is to be no live or recorded entertainment after 12:00 midnight until all the recommendations contained in Mr. Caleb Smith's report have been implemented and the Authority receives a satisfactory report to that effect.
LIQH400117906	Oriental Hotel	Restricted	Entertainment: The hotel is to provide musical entertainment only on Thursday, Friday, Saturday and Sunday nights and at no other time. Live musical entertainment is to cease at 10:30 pm on any occasion when provided. All entertainment in the hotel is to cease strictly at 10:30 pm. The doors of the Oriental Hotel from the entertainment area of the hotel to the street are to remain closed at all times when entertainment is being provided.
LIQH400118015	Royal Oak Hotel	Restricted	No rock bands to perform on the premises.
LIQH400118031	Leumeah Club Hotel	Restricted	No live entertainment is to be provided in that part of the hotel known as the 'Star Bar' after 1:30 am. The Star Bar to cease operating and all patrons to be cleared from that part of the licensed premises at 3:00 am.
LIQH400118171	Toronto Hotel	Restricted	No bands or live entertainment after 02:00 am.
LIQH400118198	Town Hall Hotel	Restricted	That entertainment and music shall cease at or prior to 12:00 midnight.
LIQH400118228	Eggleworth Tavern	Restricted	That all live entertainment cease at 12:00 midnight.
LIQH400118260	The Fiddler Hotel	Restricted	The licensee must ensure the following: a) that there is no band activity in the courtyard of the historic building known as the Mean Fiddler after 1:00 AM, and b) that live entertainment in the Sports Bar ceases at or before 2:30 AM.
LIQH400118341	Yamba Shores Tavern	Restricted	Live entertainment is to cease at 12:00 midnight.
LIQH400118422	Gladstone Hotel	Restricted	No live entertainment after 11:00 pm on any day.
LIQH400118430	Carousel Inn	Restricted	That no entertainment be provided on the premises after midnight.
LIQH400118619	Cambridge Hotel	Restricted	Entertainment may be provided in the Beer Garden of the premises between the hours of 12:00 PM and 9:00 PM. The entertainment provided is to be restricted to solo or duo acts and to acoustic guitars with or without an amplifier and microphone.
LIQH400118759	Alroy Tavern	Restricted	Entertainment: Any live entertainment provided must be solo, duo or small groups acts (and not heavy metal, large bands or loud rock music).
LIQH400118953	O'Donoghue's Irish Pub	Restricted	Hours of entertainment in the Beer Garden portion of the property shall be limited to 10:00 am to 11:00 pm Mondays to Thursdays, and 12:00 noon to 10:00 pm Sundays.
LIQH400118996	Oriental Hotel	Restricted	No entertainment after 01:00 am.
LIQH400119054	Tattersalls Hotel Penrith	Restricted	The sale and supply of liquor in the hotel is to cease at 2:30 am on Thursday and Saturday mornings and at 2:30 am following any night on which live entertainment is provided.
LIQH400119281	Sea Breeze Hotel	Restricted	The Hotel shall only provide entertainment in the Nelson Room and in the Garden Bar and all entertainment in the Nelson Room and provided on the premises shall cease at 11:30pm.
LIQH400119348	Queenbeyan Hotel	Restricted	All and any live music conducted at the premises is to cease at 12:00 midnight or as close thereto as reasonably practicable. No music, either live or recorded, is to be heard outside the premises after 12:00 midnight. The licensee will promptly respond to any complaints by neighbours about noise.
LIQH400119380	The Greenhouse Manly	Restricted	The licensee must ensure that no amplified music is played on the second floor after midnight and that the preparation of the retractable roof for the second floor outdoor dining / lounge area after midnight is as follows: a) The western side of the roof ridge is to be fully closed, and b) The eastern side of the roof ridge is to be moved at least one metre towards its closed position.
LIQH400119569	Cecil Hotel	Restricted	Entertainment to cease at 01:00 am Friday and Saturday Nights. Entertainment shall cease no later than 01:00 am.
LIQH400119631	Conrah Hotel	Restricted	No heavy metal/rock bands are to perform in the premises.
LIQH400119704	Tattersalls Hotel	Restricted	No amplified entertainment is to be conducted in Beer Garden.
LIQH400119798	Belmore Hotel	Restricted	No live amplified entertainment after 12:00 midnight.
LIQH400119895	Victoria Hotel	Restricted	No amplified music is to be played in the front beer garden area of the hotel adjacent to the complainant's residence.
LIQH400119933	Bridge Tavern	Restricted	On Sunday, any musical entertainment cease at 10:00 pm.
LIQH400119976	The Australian Hotel Nowra	Restricted	All amplified music to cease at 12:00 midnight.
LIQH400120125	Imperial Hotel	Restricted	All live bands playing at the hotel are to cease playing no later than 01:00 am.
LIQH400120141	Royal Hotel	Restricted	No heavy metal or heavy rock bands are to perform on the premises.

LIQH400120230	Imperial Hotel	Restricted	No entertainment in the rear Courtyard area after 10:00 pm except during the designated period of the Tamworth Country Musical Festival, as determined by Tamworth Regional Council. A monitor with a cut off meter is to be installed and set at 101 dB(A)
LIQH400120567	Tenterfield Tavern	Restricted	Entertainment to cease at 12:30 am
LIQH400120642	Berdsmeer Hotel	Restricted	Entertainment including through not limited to live performers, bands, musicians, disc jockeys or amplified music shall not occur within open aired and/or outdoor areas of the licensed premises, being 'Rear Beer Garden' before 10:00am and shall not exceed 10:00pm daily.
LIQH400120815	Hillside Hotel	Restricted	The Licensee must take all reasonable steps to ensure the volume of amplified music/entertainment does not adversely affect the residents of Bendemeer
LIQH400121067	Kooragang Hotel	Restricted	No entertainment other than background music will be provided after 1:00am.
LIQH400121091	Patonga Beach Hotel	Restricted	All entertainment shall cease by 2:30 am.
LIQH400121180	Sponsons Hotel	Restricted	No amplified music or similar entertainment is permitted from 10:00 PM to midnight on Monday to Thursday nights inclusive (except New Year's Eve). All doors and windows to the premises are to be closed and must remain closed from 10:00 PM on Monday to Thursday nights inclusive when entertainment is conducted on the licensed premises.
LIQH400121318	New England Hotel	Restricted	Midnight. On any day that the licensee is desirous of conducting live entertainment after 08:00 pm, he shall first notify the Officer
LIQH400121504	Nevertire Hotel	Restricted	No rock bands are to perform in the premises
LIQH400121644	Cow & calf Hotel	Restricted	No entertainment is to be provided after 11:30 pm except on New Year's Eve.
LIQH400121687	Grand Hotel	Restricted	An announcement to be made at the cessation of entertainment to the effect that patrons should leave the premises and the vicinity quickly and quietly to avoid disturbance of the neighbourhood.
LIQH400121814	Westmead Tavern	Restricted	No bands in the Beer Garden of the hotel
LIQH400121849	R.G. McGees	Restricted	No entertainment on premises after 12:00 midnight and until Council approval obtained
LIQH400121873	Archibald Hotel Pty Ltd	Restricted	The north western section of the rear courtyard of the hotel, which is defined by the rear boundary fence, the garage and the hut, is to be closed at 12 midnight whenever amplified music is being provided.
LIQH400121897	The Hawkesbury Hotel Windsor	Restricted	All forms of amplified music is prohibited, from 25 MAR 2008
LIQH400122047	Cabbage Tree Hotel	Restricted	No live performance must be conducted on the licensed premises after 12:00 AM (midnight)
LIQH400122071	Commercial Hotel	Restricted	All live musical entertainment is to cease at 01:00am, except on New Years Eve when entertainment may continue until 02:30am.
LIQH400122160	Fidfree Hotel	Restricted	Any entertainment on the licensed premises shall cease no later than 05:00 am Monday to Saturday inclusive.
LIQH400122268	North Wollongong Hotel	Restricted	That no live entertainment be allowed after 12:00 midnight
LIQH400122330	Ryan's Hotel	Restricted	Live entertainment must cease by 9:45pm on Sunday and by 11:45pm on any other night and by 1:30am on New Year's Eve.
LIQH400122349	Scarborough Hotel	Restricted	No live music is to be played on the premises after 11:40pm
LIQH400122373	Dacey Rileys	Restricted	No amplified entertainment is to be provided after 11:30 pm.
LIQH400122381	The Beaches	Restricted	Entertainment is to cease by 2:30 AM
LIQH400122489	Roxy Hotel	Restricted	Entertainment on Sundays is to cease no later than 10:00 pm.
LIQH400122527	Metropolitan Hotel	Restricted	AUDITORIUM AND ENTERTAINMENT AREAS: i) No liquor is to be sold or supplied in the auditorium unless sold or supplied ancillary to entertainment or a function. ii) The licensee shall use his best endeavours to provide entertainment within the auditorium or entertainment lounge or outdoor forecast on Thursdays, Fridays, Saturdays and Sundays. iii) The auditorium is to be closed within one (1) hour of cessation of the entertainment/function being provided in that area. iv) In the entertainment areas the use of effect lighting shall be limited so as to compliment rather than dominate the areas.
LIQH400122535	Railway Friendly Bar	Restricted	No live entertainment after 12:00 midnight Monday to Thursday.
LIQH400122551	Top Town Tavern	Restricted	Entertainment in the external garden shall cease at 10:00pm.
LIQH400122632	White Tank Hotel	Restricted	Live entertainment to cease by 12:15 am
LIQH400122764	Light Horse Hotel Murrumbidgee	Restricted	No live entertainment after 12:00 midnight Monday to Thursday
LIQH400123043	Overlander Hotel Motel	Restricted	No live or amplified entertainment after 12:00 midnight
LIQH400123116	Kincumber Hotel	Restricted	Entertainment to finish at midnight on Friday and Saturday nights. If a function is expected to extend beyond these times, St Marys Licensing Police must be consulted where certain 'conditions' may be imposed. Lockout occurs at 10:30pm Sundays and 12:30 am Monday to Saturday.
LIQH400123124	Manner's Lodge Hotel	Restricted	Light entertainment with no amplification be provided.
LIQH400123183	Settlers Inn Hotel	Restricted	All live entertainment shall cease thirty (30) minutes prior to the licensed premises closing
LIQH400123280	Wooli Hotel Motel	Restricted	No rock bands are to perform in the premises.
LIQH424002814	The Park Hotel Motel	Restricted	Amplified entertainment may only be conducted in the beer garden between the hours of 01:00 pm and 08:00 pm.
LIQH424003842	The Channon Tavern	Restricted	There will be no live entertainment beyond 12:00 midnight
LIQH424004470	Lion of Waterloo	Restricted	No amplified music or entertainment or juke box
LIQH424004802	The Valla Beach Tavern	Restricted	There is to be no amplified sound emitted from the premises. Entertainment is to be restricted to Solo Artists, Duo's, Trio's, Cover Bands, Jazz Groups but not Hard Rock Bands or any bands or group emitting noise levels (when measured in the centre of the dance floor) greater than 90dB(A).
LIQH424005675	Bonny Hills Beach Hotel	Restricted	Live entertainment is to be restricted to solo artists, duos, trios, jazz groups but not rock bands or any bands or groups emitting noise levels when measured in the centre of the dance floor greater than 105 decibels. The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any octave band centre frequency 31.5 hertz to 8 kilohertz inclusive by more than 5 decibels between 7.00 am and midnight at the boundary of any affected residence. The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any octave band centre frequency 31.5 hertz to 8 kilohertz inclusive between 12 midnight and 7.00 am at the boundary of any affected residence. Notwithstanding compliance with the above the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7.00 am.

LIGH424006058	First Empire Hotel	Restricted	No advertising or other promotional reference to the nature of entertainment being conducted on the premises is to be placed on, visible from, the outside of the premises. Amplified and/or live entertainment is not to be permitted in the exterior drinking areas of the tavern. Live music is permitted in the interior of the premise. All conditions on the relevant Development Application and Place of Public Entertainment Authority are to be complied with.
LIGH424007906	Pottsville Village Tavern	Restricted	
LIGH424009949	The Blackett Hotel	Restricted	
LIGH424013869	Bago Tavern	Restricted	The licensee is to ensure that entertainment is not conducted on the premises after 11.30 pm.
LIGH424014295	Klama Blue Hairbourside	Restricted	There will be no amplified music emitting from the premises after 11.00 pm on any trading day.
LIGH424015041	Sun Bistro Pty Limited	Restricted	No live amplified entertainment is permitted on the premises. Certain Forms of Entertainment Prohibited a) There shall be --i) no TAB or pub TAB facilities; ii) no amusement machines; iii) no jukebox; iv) no pool tables, or the like provided on the premises.
LIGH424015318	The Heritage Belgian Beer Cafe	Restricted	Entertainment will be restricted to soloists or duos, and is permitted only within the bistro/lounge area of the premises, and only on Thursday, Friday and Saturday nights between the hours of 07:30 pm to 10:00 pm. Bands are not permitted. Entertainers may only use in-house amplification systems.
LIGH424015326	Thornton Tavern	Restricted	All entertainment as defined by Place of Public Entertainment Authority under the Local Government Act 1993 is to cease 15 minutes prior to the closure of the premises.
LIGH440010015	Scary Canary	Restricted	No amplified sound (including television and music) is to be provided in the outdoor area.
LIGH440010040	Thirsty Crow	Restricted	Live entertainment must not be provided after 11:00 PM on any nights.
LIGH440010958	Cookie's Lounge Bar	Restricted	Background music and television screens in the outdoor terrace on level 2 is permitted but only between the hours of 12 noon and 12 midnight, and subject to the following conditions a. All speakers and other sound emissions being at low elevations and angled down and into the internal terrace area b. A supporting statement from an acoustic engineer that these can be operated to meet all relevant noise criteria.
LIGH440010073	Appetito Pizzeria & Bar	Restricted	Entertainment is to be limited to areas designated "Entertainment Areas" on the approved plans of the premises.
LIGH440018901	Element Bar Pty Ltd	Restricted	Live musical entertainment at the premises except for the function room shall be limited to soloists, duos and small ensembles that generate noise in compliance with the maximum noise levels specified in acoustic report prepared by Day Design Pty Limited, dated 21st March 2012 and as limited by Condition B16 of Development Consent 344/2010.
LIGH440018912	Central Hotel Shellharbour	Restricted	
LIGH440018913	The Terrace Bar	Restricted	The licensee must not provide amplified entertainment on the outdoor rooftop terrace.
LIGH440018925	Ugly Pizza	Restricted	The Extended Trading Authorisation is only to be exercised as follows: (i) with or as ancillary to a live musical performance or event conducted at the premises. A DJ or DJs may perform as part of a live musical performance or event only if: (a) The DJ(s) is/are provided ancillary to performances by live musicians/singers, such as prior to the commencement of a live act, or between live acts; and/or (b) The DJ(s) comprise(s) the main performance and is/are performed on the main stage (a "DJ Performance Event"); (ii) when tickets for the performance/event have been available for pre-purchase; and (iii) when the only patrons permitted entry are those who have previously acquired a ticket to the performance/event or else have purchased a ticket at the door.
LIGH440018939	Atura Blacktown	Restricted	The licensee is to ensure that all entertainment ceases at 12:00 midnight.
LIGH440018956	Illusions Lounge	Restricted	The licensee must not allow the premises to become a nightclub style venue, including but not limited to, no live rock bands are to perform at the venue.
LIGH440018962	The Henson Hotel	Restricted	No live entertainment, DJs or amplified music shall be provided in the hotel after 10 pm, Monday to Saturday, or after 9 pm on Sunday nights. Recorded background music may be provided.
LIGH440018968	Gregory Hills Hotel	Restricted	On any day that the hotel is open for trade, the licensee must ensure that all forms of amplified music are prohibited in all areas of the hotel from midnight. Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room.
LIGH440018971	Dulcie's Cottage	Restricted	No amplified entertainment is to be provided to the courtyard area after 10pm of an evening.
LIGH440018976	Woolgoolga Beach Tavern	Restricted	Entertainment provided at the premises which is live must be acoustic (no amplification).
LIGH440018984	Four Points by Sheraton Sydney Central Park	Restricted	Entertainment must cease at 2:00 am.
Liquor - limited licence			
LICL524003773	Cronulla Sutherland Leagues Club Limited	Restricted	No live rock bands or disco music is to be conducted within close proximity of the Garden Bar area.
LICL550011371	SYDNEY GAME FISHING CLUB LTD	Restricted	No music, amplified or live is to be played from the club house after 3:00PM on any night a function is being held.
Liquor - on-premises licence			
LIGO600401511	Fu Manchu Trading Pty Limited	Restricted	That at no time shall the premises be used as a dance club or nightclub and no entertainment shall be provided without the prior approval of Council.
LIGO600402593	Wharf Road Restaurant & Bar	Restricted	There is to be no disco type entertainment on the premises and the only entertainment permitted is a guitarist and keyboard player or the playing of compact disks, of a soft rock and roll nature.
LIGO600405551	Danny's Seafood Restaurant	Restricted	No amplified entertainment to be provided without approval and notification to the objectors.
LIGO600408575	Coco Clubano Top Ryde Pty Ltd.	Restricted	Outdoor entertainment is prohibited at the venue.
LIGO600432077	EMPLOYEES ONLY SYDNEY	Restricted	The Licensed Premises are not to be themed or operated as a nightclub. No DJ styled booth, no disco lighting systems and no dance floor area are to be utilised at any time in the premises.
LIGO600462839	Argyle Tavern	Restricted	All music for dancing and/or amplified music is to cease on Monday to Sunday at 02:30 am the next day, but until the licensee obtains a certificate from a qualified acoustic consultant that confirms that a sound limiting device has been installed to ensure compliance with after midnight noise conditions, at the beginning of condition 12.

LIQ0600463738	Matteo Restaurant and Bar	Restricted	No amplified live music or live amplified entertainment is to be provided
LIQ0600467105	The Hop Factory	Restricted	Providing that relevant development consent is obtained for musical entertainment, such music entertainment provided within the premises be ancillary or incidental to the purpose of a restaurant, and the premises not be used or promoted as an entertainment venue.
LIQ0600493254	Quill & Compass	Restricted	From 9:00pm on Wednesday, Thursday, Friday and Saturday nights, the licensee must ensure that all amplified music is prohibited in the first floor balcony area of the premises.
LIQ0600496350	The Cowrie Restaurant	Restricted	No live or piped music is to be played on the deck area
LIQ0600498426	Waterfront Restaurant	Restricted	No amplified music or sound shall be operated within the outdoor area of the licensed premises beyond 10:00 pm Monday to Sunday inclusive
LIQ0600670076	The Stomped Crow	Restricted	That the type of music played on the premises is to be limited to jazz and rock & roll.
LIQ0600673792	The Duck on Clarence	Restricted	No entertainment is to be conducted after 11:00 pm on any day
LIQ0600702565	Sydney Cricket and Sports Ground Trust	Restricted	The licensee must ensure that the sale or supply of liquor in bottles or cans is restricted to the following types of areas during any sporting or entertainment event: (a) private and corporate boxes physically delineated (by railings or glass or other barriers) from areas open to, or used by, the public; and (b) areas used as Members' Reserves, restaurants, Trust and corporate entertainment areas, not physically accessible to the public, and separated (by substantial physical barriers) from areas open to, or used by, the public. The licensee must ensure that: (c) areas where the sale or supply of liquor in cans or bottles is allowed do not provide unrestricted access to any public grandstand seating area, or public areas; and (d) appropriate measures are in place at all times to prevent the taking of bottles and cans from the areas designated. Where functions, occasions or events are attended by a combination of adults and persons under 18 years of age, the licensee must take all reasonable steps to ensure liquor is not sold or supplied to persons under 18 years of age (either by the serving staff or the patrons attending).
LIQ0600780330	Event Cinemas	Restricted	Liquor shall not be sold or supplied on the licensed premises except on a day on which the theatre is open to enable the public to attend an entertainment of the stage or cinematographic entertainment, or both.
LIQ0624001321	Riverside Theatres	Restricted	The sale or supply of liquor in the Green Room and the 'dressing room link-over' shall be restricted to artists, musicians, performers, staff and official guests at functions.
LIQ0624001759	Celsius Grill	Restricted	No entertainment is to be provided in the Conference Centre
LIQ0624001981	Opal Cove Resort	Restricted	No nightclub, dance party style events, functions and/or entertainment or any such functions that has a door entry fee are to be held within the premises
LIQ0624002107	Showgirls	Restricted	Live entertainment is to be provided at all times liquor is available
LIQ0624003082	Collage Point Inn	Restricted	The above the licensee may permit one acoustic instrument inside the restaurant until 6pm, and ii. Notwithstanding the licensee may in such a manner that the noise cannot be heard in any public place
LIQ0624003575	Garfish	Restricted	No amplified music or sound shall be operated within the outdoor area of the licensed premises beyond 10:00 pm Monday to Sunday inclusive.
LIQ0624004022	Wolfe's Grill	Restricted	bands is taken to mean a company of musicians constituted by more than two musicians. b. The use of non-amplified drums or drum type instruments is not permitted at the licensed premises.
LIQ0624004340	34bondi	Restricted	Music may not be played on the premises
LIQ0624004878	Nautica Restaurant	Restricted	No live entertainment is to take place on the verandah of the premises
LIQ0624005106	The Balcony Bar & Restaurant	Restricted	The licence business type "Other public entertainment venue" may be exercised only after 8:00 pm on any day of the week.
LIQ0624005332	The Sting Bar and Restaurant	Restricted	The licensee shall not, nor permit managers and staff to, consume liquor on the licensed premises while engaged in the sale or supply of liquor (including during any meal or other break). The licensee shall ensure that the following liquor serving practices are implemented by managers and serving staff: a) No more than four (4) drinks are sold or supplied from a bar outlet to one (1) person at any time; b) Sales of spirits are limited to single shot measures, or less, per serve; The licensee shall ensure that the sale and supply of liquor in glass bottles or cans is restricted to the following types of areas during any sporting or entertainment event: a) corporate hospitality areas (including corporate suites, and boxes) and other private areas physically delineated (by ropes, railings or glass or other barriers) from areas open to, or used by, the public; and b) areas used as restaurants, and corporate hospitality areas, not physically accessible to the public, and separated (by substantial physical barriers) from areas open to, or used by, the public. The licensee shall ensure that: a) areas where the sale or supply of liquor in cans or bottles is allowed do not provide unrestricted access to any public grandstand seating area, or public areas; and b) appropriate measures are in place at all times to prevent the taking of bottles and cans from the areas designated.
LIQ0624005826	Sydney International Aquatic and Athletic Centres	Restricted	Music is not to be played in the outdoor dining area at any time
LIQ0624005942	Cinnitils (Manly) Pty Ltd	Restricted	No amplified dance music to be played on the premises.
LIQ0624006151	Michangelo Italian Restaurant	Restricted	Any place within the licensed premises in which entertainment is provided shall not be partitioned so as to prevent observation of the activity in that place
LIQ0624006152	Men's Gallery Sydney	Restricted	From 2.30 am any amplified music played in the premises is to be of a type which has a slowing and calming effect on patron behaviour.
LIQ0624006202	Fleming's Nitespot	Restricted	Entertainment is to be phased out from 02:30 am.
LIQ0624006256	Onefiveone	Restricted	On any night, other than Friday night, Saturday night and any night preceding a public holiday, when live entertainment is provided in the licensed premises, entertainment is to cease by 11.00 p.m.
LIQ0624006319	77 Nightclub	Restricted	That the licensee premises may not engage Live Bands consisting of more than 3 members using amplified music.
LIQ0624006954	Rhondas	Restricted	That all pages of the current Place of Public Entertainment Authority be conspicuously displayed within the premises.
LIQ0624006608	THE CLIFF DIVE PTY LTD	Restricted	

LIC0624006774	The Coffee Emporium	Restricted	The licensee must ensure that no more than 2 entertainers provide entertainment at any one time.
LIC0624006970	The Velvet Underground Sydney	Restricted	Any place within the licensed premises in which entertainment is provided shall not be partitioned so as to prevent observation of the activity in that place.
LIC0624007083	Centennial Park & Moore Park Trust	Restricted	The licensee must ensure that whenever the licence is exercised for the purpose of a special, dancing or general event the Moore Park Plan of Management, Traffic and Access Strategy Amendment 1997, or as amended from time to time, is implemented where applicable.
LIC0624007366	ANZ Stadium	Restricted	The licensee shall ensure that the sale or supply of liquor in bottles or cans (including plastic bottles) is restricted to the following types of areas during any sporting or entertainment event: a) corporate hospitality areas (including corporate suites and boxes) and other private areas physically delineated by railings or glass or other barriers) from areas open to, or used by, the public; and b) areas used as members areas, restaurants and corporate hospitality areas, not physically accessible to the public, and separated (by substantial physical barriers) from areas open to, or used by, the public. The licensee shall ensure that: a) areas where the sale or supply of liquor in cans or bottles is allowed do not provide unrestricted access to any public grandstand seating area, or public areas, and b) appropriate measures are in place at all times to prevent the taking of bottles and cans from the areas designated.
LIC0624007411	Italian Village Restaurant	Restricted	No amplified music or sound shall be operated within the outdoor area of the premises beyond 10:00 pm Monday to Sunday inclusive.
LIC0624007433	Barcilo	Restricted	Providing that development consent is obtained for musical entertainment, such music entertainment provided within the premises be ancillary or incidental to the purpose of a restaurant, and the premises not be used or promoted as an entertainment venue.
LIC0624007703	Lazybones Lounge Restaurant & Bar	Restricted	All live music is to cease at 12:30 am and all windows facing Warrackville Lane being locked and closed during the extended hours of operation.
LIC0624007827	Crimis Castle Hill	Restricted	The licensee shall not provide entertainment in the nature of a live rock band or disco music at the premises.
LIC0624007802	Paramount Restaurant & Bar	Restricted	Amplified entertainment is not permitted in the external courtyard area of the premises.
LIC0624007938	Trade Club	Restricted	Any place within the licensed premises in which entertainment is provided shall not be partitioned so as to prevent observation of the activity in that place.
LIC0624008139	Cafe Lounge	Restricted	No live or amplified music to be played after closing time.
LIC0624008181	3 Sawyers Derby Street	Restricted	No music is to be played in the rooftop dining area after 9pm on Sundays to Thursdays and after 10pm on Fridays and Saturdays.
LIC0624008978	Dynaasty Karaoke	Restricted	Liquor must not be sold or supplied unless the liquor is sold or supplied ancillary to entertainment and at least a light meal is available, with or without charge, for consumption by persons to whom liquor is sold or supplied.
LIC0624009474	Luna Park	Restricted	Strict adherence to current Public Entertainment Approvals of North Sydney Council.
LIC0624009715	Minx Gentlemens Club	Restricted	The number of patrons in the premises shall not exceed the number authorised by the Place of Public Entertainment Approval issued by the local consent authority for such premises.
LIC0624009747	White Rabbit Charcuterie	Restricted	The premises is to operate with its principal business being that of a restaurant as defined by the Liquor Act 2007 and not as a bar or a nightclub providing nightclub style entertainment.
LIC0624009952	THE BAVARIAN BEERHAUS	Restricted	No amplified music entertainment shall be played in the outdoor area.
LIC0624010078	Four Hands Pizza Bar & Grill	Restricted	There is to be no live entertainment or amplified music after 11:30pm.
LIC0624012000	Foundry616	Restricted	The business authorised by this licence must not operate with a greater overall level of social impact on the well being of the local and broader community than what could be reasonably expected from the information contained in the Community Impact Statement application and other information submitted in the process of obtaining the music venue business type and primary service authorisation.
LIC0624012095	Inca's Restaurant	Restricted	Speakers and/or noise amplification equipment must not be installed and music must not be played in any outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.
LIC0624012230	Warrenwood Cinema Centre	Restricted	Liquor may only be sold and supplied in area accessible to persons attending the entertainment at the theatre. (Marked in yellow on plan). Licensed area marked in red.
LIC0624012240	Dancers Cabaret	Restricted	Any place within the licensed premises in which entertainment is provided shall not be partitioned so as to prevent observation of the activity in that place.
LIC0624012259	Byron Cinemas	Restricted	Liquor shall not be sold or supplied on the licensed premises except on a day on which the theatre is open to enable the public to attend entertainment of the stage or cinematographic entertainment, or both.
LIC0624012570	City Beach Function Centre	Restricted	All music and other forms of amplified entertainment are to cease at 12:00 midnight, except on New Year's Eve, when music and amplified entertainment can continue until 1:00am.
LIC0624012658	Sirens Nightclub	Restricted	All entertainment to cease at 1:45 am. All service of alcohol to cease at 1:45 am. No patrons to be admitted to premises after 1:00 am. No Happy hours or similar promotions after 9 pm. No 'Sporklers' are to be engaged outside the premises.
LIC0624012830	Money Penny Newcastle	Restricted	No music is to be played through speakers or otherwise in the outdoor area on the southern side of the premises after 9:00pm.
LIC0624013096	Encore Entertainment Venue	Restricted	Any place within the licensed premises in which entertainment is provided shall not be partitioned so as to prevent observations of the activity in that place.
LIC0624013403	Ashiana Indian Restaurant Avalon	Restricted	No live entertainment is to be conducted at the premises.
LIC0624013697	Velvet Underground Potts Point	Restricted	No advertising or other promotional reference to the nature of entertainment being conducted on the premises is to be placed on, visible from, the outside of the premises.
LIC0624013867	The Scary Canary	Restricted	All entertainment as defined by Place of Public Entertainment Authority under the Local Government Act 1993 is to cease fifteen (15) minutes prior to the closure of the premises.

LIQ0624014379	Cinniti's (Woolloomooloo) Pty Ltd	Restricted	No public entertainment (as defined under the Local Government Act, 1973) is to be provided within the premises unless approved by the appropriate authority. Notice of any application for public entertainment to be provided by the licensee to - Ms P Harper (on behalf of applicants), The Blue Sydney, The Wharf Terrace.
LIQ0624015257	MV Bella Vista	Restricted	Dance party restriction condition. The licensee must not permit dance party events to be conducted on the premises. For the purpose of this condition a dance party event means an event, whether a ticketed event or otherwise, which is open to the public and where the primary activity is entertainment provided by live DJs/DJs and/or other live performance/s for the purpose of dancing. Note: The above condition is not intended to include wedding ceremonies/receptions, corporate events, and school formal at which DJ entertainment or other live performance/s of electronic dance music is provided ancillary to the event.
LIQ0624015403	The Elk Kings Cross	Restricted	There is to be no dedicated dance floor in use on the premises at any time.
LIQ0624015423	Kingpin	Restricted	Subject to (b) liquor shall only be sold and supplied at the premises between the hours of 11:00 am and 12:00 midnight. b) Liquor may be sold and supplied at the premises between 12:00 midnight and 02:00 am the following day Monday to Saturdays for a trial period of twelve (12) months from the date of the issue of a Place of Public Entertainment Authority for the premises and for any additional period beyond the said trial period, if permitted by the Sydney Harbour Foreshore Authority. c) The Place of Public Entertainment Authority and documentary evidence of the hours of trade permitted by the Sydney Harbour Foreshore Authority shall be kept at the premises at all times and produced on the request of Police and Special Inspectors.
LIQ0624015441	Cinema Paris	Restricted	Liquor shall not be sold or supplied on the licensed premises except on a day which the theatre is open to enable the public to attend an entertainment of the stage or cinematographic entertainment, or both.
LIQ0624015729	Mamaduke	Restricted	Entertainment is prohibited on the premises unless it is at a noise level that would enable patrons while partaking of a meal on the premises to engage in normal conversation that would not entail yelling to be heard above the ambient level of the entertainment.
LIQ0660010139	Twin Peaks Theatre Restaurant	Restricted	Liquor shall not be sold or supplied on the licensed premises except when the theatre is open to enable the public to attend an entertainment of the stage or cinematographic entertainment, or both.
LIQ0660010206	Camington Place Restaurant	Restricted	Providing that the relevant development consent is obtained for musical entertainment, such musical entertainment provided within the premises must be ancillary or incidental to the purpose of a restaurant, and the premises must not be used or promoted as an entertainment venue.
LIQ0660010286	Palace Norton Street	Restricted	Liquor shall not be sold or supplied on the licensed premises except on a day which the theatre is open to enable the public to attend an entertainment of the stage or cinematographic entertainment, or both.
LIQ0660010296	United Cinemas Narellan	Restricted	Liquor shall not be sold or supplied on the licensed premises except on a day which the theatre is open to enable the public to attend an entertainment of the stage or cinematographic entertainment, or both.
LIQ0660010394	SA PETROLEUM PTY LTD	Restricted	No amplified entertainment may be held on the premises.
LIQ0660010799	Longboard Cafe	Restricted	No amplified entertainment is to be provided in the outside area.
LIQ0660010903	Goldfish - Hunter Valley	Restricted	At no time shall the premises be permitted to advertise or conduct a nightclub/dance type venue.
LIQ0660011302	Naturene	Restricted	No live entertainment or DJ entertainment shall be provided at the premises.
LIQ0660011311	The Troubadour	Restricted	The licensee must ensure that no external amplification equipment of loud speakers is used for the announcement broadcast, playing of music or similar.
LIQ0660011679	Oasis by The River Restaurant and Cafe	Restricted	There is to be no live entertainment or amplified music within the premises after 11:00pm.
LIQ0660030664	Slice Virtual Golf	Restricted	The licensee must ensure that no live or amplified music (other than for low level background music or low level music associated with the golf simulators) will be played at any time inside the venue.
LIQ0660030665	Taste Gallery	Restricted	If entertainment is provided on the premises it is to be restricted to low level background music provided by an acoustic soloist, music system or TV screens and there is to be no DJ or live rock music.
LIQ0660030908	Toto Trattoria and Bar	Restricted	Providing that development consent is obtained for musical entertainment, such music entertainment provided within the premises be ancillary or incidental to the purpose of a restaurant, and the premises not be used or promoted as an entertainment venue.
LIQ0660030914	Momo Wholefood	Restricted	No live entertainment or DJ entertainment shall be permitted at the premises.
LIQ0660030938	The Squires Maiden	Restricted	No live entertainment or DJ entertainment shall be permitted at the premises.
LIQ0660030988	DTI Karaoke	Restricted	No DJ style entertainment may be conducted on the premises at any time. Any live entertainment must not be amplified.
LIQ0660031087	His Boy Eitoy	Restricted	Any entertainment conducted on the premises is to be restricted to non-amplified live music. Entertainment may not include any live DJ, and any recorded music played on the premises should not be audible from within residential premises.
LIQ0660031144	Ekam Italian Pty Ltd	Restricted	No amplified entertainment is to be provided in any other area but the area which has been acoustically treated.
LIQ0660031185	Bangkok Snap	Restricted	The type of performers shall be restricted to soloists, duos, trios, background music and TV screens and there shall be no live rock bands.
LIQ0660031187	OYOLO 1888 PTY LTD	Restricted	No live entertainment or DJ entertainment shall be permitted at the premises.
LIQ0660031334	The Fire Food Store	Restricted	No live entertainment is to be held on the premises.
LIQ0660031376	Driftwood	Restricted	No DJ style entertainment may be conducted on the premises at any time. Any live entertainment must not be amplified.
LIQ0660031378	Six String Brewery Restaurant	Restricted	Any entertainment conducted on the premises is to be restricted to non-amplified live music. Entertainment may not include any live DJ, and any recorded music played on the premises should not be audible from within residential premises.
LIQ0660031480	Lotus Dampier Bar	Restricted	No live music is to be played within the licensed premises.
LIQ0660031511	Ke-fey cafe	Restricted	Providing that development consent is obtained for musical entertainment, such music entertainment provided within the premises be ancillary or incidental to the purpose of a restaurant, and the premises not be used or promoted as an entertainment venue. (This condition is sought to prohibit the playing of loud music, whether or not a disc jockey or band is involved)
LIQ0660031517	The Village Newcastle	Restricted	Providing that relevant development consent is obtained for musical entertainment, such music entertainment provided within the premises be ancillary or incidental to the purpose of a restaurant, and the premises not be used or promoted as an entertainment venue.

LIQO660031535	THE EDWARDS PARRY STREET PTY LIMITED	Restricted	The licensee must ensure that no musical entertainment is played on any Wednesday after 7pm till close of trade, and any Sunday before 7pm.
LIQO660031555	York Trading & Co	Restricted	The licensee must not clear the floor area of tables and chairs to create a dance area.
LIQO660031573	Royal Pavilion Seaside Restaurant	Restricted	The licensee must ensure no live entertainment or DJ entertainment is permitted at the premises.
LIQO660031674	Algora	Restricted	Liquor may only be supplied to patrons seated at dining tables. As such, the licensee is to ensure that no furniture is moved within the premises, to allow for a dance floor.
LIQO660031698	Bentley Restaurant & Bar	Restricted	The premises are to operate with its principal business being that of a restaurant as defined by the Liquor Act and not as a nightclub providing nightclub style entertainment.
LIQO660031723	lumbo jumbo's beachhouse	Restricted	There is to be no live entertainment or amplified music within the premises after 11:30pm.
LIQO660031808	Cicchetti Byron Bay	Restricted	Live music to be limited to solo or duo acts and any pre recorded music shall be limited to a background noise level.
LIQO660031826	Star Anise Cafe	Restricted	Provided that relevant development consent is obtained for musical entertainment, such music entertainment provided within the premises be ancillary or incidental to the purpose of a restaurant, and the premises not be used or promoted as an entertainment venue.
LIQO660031905	107 Projects Inc	Restricted	The licensee must ensure that liquor is only served during the running of an exhibition and that the primary purpose of the venue is the showcasing of art. This show casing of art does not include the activities of a night club or large entertainment venue.
LIQO660031912	Darby Restaurant	Restricted	No live or amplified music to be played on the outdoor roof terrace after 10:00pm
LIQO660031930	Terminus on Darby St	Restricted	Providing that relevant development consent is obtained for musical entertainment, such musical entertainment provided within the premises be ancillary or incidental to the purpose of a restaurant, and the premises are not to be used or promoted as an entertainment venue. (This condition is sought to prohibit the playing of loud music, whether or not a disc jockey or band is involved)
LIQO660031976	Espresso Ha Pty Limited	Restricted	There are to be no speakers or outdoor entertainment
LIQO660031987	Blacksmith Coffee Moma Vale	Restricted	The premises must not have any music that is amplified such as live music, amplified acoustic music or a DJ hired by the licensee or any other staff member for entertainment purposes. The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz-8kHz inclusive) by more than 5dB between 07:00am and 12:00 midnight at the boundary of any affected residence. The LA10* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz-8kHz inclusive) between 12:00 midnight and 07:00am at the boundary of any affected residence. *Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00am.
LIQO660032036	Sushi Revolution	Restricted	Providing that relevant development consent is obtained for musical entertainment, such music entertainment provided within the premises be ancillary or incidental to the purpose of a restaurant, and the premises not be used or promoted as an entertainment venue. (This condition is sought to prohibit the playing of loud music, whether or not a disc jockey or band is involved).
LIQO660032042	Thalger Temple	Restricted	There is to be no live entertainment or amplified music after 11.30 pm
LIQO660032077	The Rigby Maitland	Restricted	Music entertainment provided within the premises shall be ancillary or incidental to the purpose of a restaurant, and the premises not to be used or promoted as an entertainment venue
LIQO660032084	QUANTUM	Restricted	The licensee will not host StagBucks nights, Hen's nights, under 18 events, alcohol only events, dance parties and events incorporating adult entertainment. For the purpose of this condition:- A dance party event means an event, whether ticketed event or otherwise, which is open to the public and where the primary activity is entertainment provided by live DJ/DJs and/or the live performances for the purpose of dancing. This includes the vessel being part of a group of vessels or part of a land based activity which involves an event that could be described as a "Dance Party" or where amplified music is the main reason for the event or gathering. Note: This requirement is not intended to include wedding ceremonies/receptions, corporate events, and school formal at which DJ entertainment or other live performances of electronic dance music is provided ancillary to the event. Adult entertainment may include, but is not limited to, events involving nudity, simulated sex and/or audience participation.
LIQO660032088	Utopia 2060	Restricted	The licensee will ensure that no amplified music or entertainment is played in the outdoor area and that no music or live entertainment from within the premises is heard at the boundary of the closest residential premises.
LIQO660032145	Village Crown	Restricted	There are to be no speakers or music in the outdoor dining area.
LIQO660032185	Chan Chan Peruvian Cantina	Restricted	3. Providing that recent development consent is obtained for musical entertainment, such music entertainment provided within the premises is to be ancillary or incidental to the purpose of a restaurant. The premises is not to be used or promoted as an entertainment venue. (This condition is sought to prohibit the playing of loud music, whether or not a disc jockey or band is involved.)
LIQO660032220	Foghorn Brewhouse Restaurant	Restricted	Providing the relevant development consent is obtained for musical entertainment, such music entertainment provided within the premises be ancillary or incidental to the purpose of a restaurant, and the premises is not to be used or promoted as an entertainment venue.
LIQO660032221	Beechwood General Store	Restricted	There is to be no live entertainment or amplified music within the premises after 11:00pm
LIQO660032229	ERASHAI	Restricted	The licensee is to operate with its principal business being that of a restaurant as defined by the Liquor Act and not as a nightclub providing nightclub style entertainment
LIQO660032245	Blackjacks	Restricted	No DJ's or live amplified entertainment
LIQO660032285	Wangl Deck Cafe	Restricted	Providing that the relevant development consent is obtained for musical entertainment, such as music entertainment provided within the premises be ancillary or incidental to the purpose of a restaurant, and the premises not be used or promoted as an entertainment venue.
LIQO660032320	One tea lounge & Grill	Restricted	No live music to be permitted and only background music to be played.

LIQO660032344	Fantasea 8 Seasons	Restricted	Any cruise that has music provided with no dinner seating or canape/cocktail party arrangements ie dance parties and any events incorporating adult entertainment are strictly forbidden.
LIQO660032350	The Ivory	Restricted	The Licensee/Manager shall not allow any furniture to be moved within the premises, to cater for a dance floor or for any other reasons apart from arranging tables for larger or small groups.
LIQO660032356	Ullarulla Civic Centre	Restricted	Only acoustic/low volume entertainment can be performed in the outdoor terrace and balcony.
LIQO660032372	Norsk Dor Pty Ltd	Restricted	The manager/licensee shall ensure that the primary purpose of the premises must be that of a restaurant, with no dance floors or related lighting. The premises should not resemble a night club or general bar or be promoted as such.
LIQO660032377	HANUMAN THAI WAHROONGA	Restricted	Music will be limited to low level background music to be only audible from within the premises and not outside.
LIQO660032381	Maopai Dishes of Holpot	Restricted	The premises are to operate with its principal business being that of a restaurant as defined by the Liquor Act and not as a nightclub providing nightclub style entertainment.
LIQO660032383	Vic's Meat Market	Restricted	The premises is to operate with its principal business being that of a restaurant as defined by the Liquor Act and not as a nightclub providing nightclub style entertainment.
LIQO660032394	MV True Blue	Restricted	The Licensee must not permit dance party events to be conducted on the premises. For the purpose of this condition a dance party event means an event, whether a ticketed event or otherwise, which is open to the public and where the primary activity is entertainment provided by live DJ/DJs and/or live performances for the purpose of dancing. Note: the above condition is not intended to include wedding ceremonies/receptions, corporate events and school formal at which DJ entertainment or other live performance/s of electronic dance music is provided ancillary to the event.
LIQO660032406	The Tank Stream	Restricted	The premises is to operate with its principal business being that of an accommodation premises and restaurant as defined by the Liquor Act and not as a nightclub providing nightclub style entertainment.
LIQO660032411	DUK Byron Bay	Restricted	Live music to be limited to solo or duo acts and any pre-recorded music shall be limited to background noise level.
LIQO660032433	Lotus Restaurant Galeries	Restricted	The premises are to operate with its principal business being that of a restaurant as defined by the Liquor Act and not as a nightclub providing nightclub style entertainment.
LIQO660032451	Party Street Garage	Restricted	Providing the relevant development consent is obtained for musical entertainment, such music entertainment provided within the premises be ancillary or incidental to the purpose of a restaurant, and the premises is not to be used or promoted as an entertainment venue.
LIQO660032478	Pacino's Cafe	Restricted	Live musical entertainment at the premises shall be limited to soloists, duos and small ensembles. No entertainment in the form of "Disco Music (DJ)" is permitted on any trading day.
LIQO660032488	JIMMY G'S	Restricted	The Licensee/Manager shall not allow any furniture to be moved within the premises, to cater for a dance floor or for any other reasons apart from arranging tables for larger or small groups.
LIQO660032498	Megamania	Restricted	Provided that the relevant development consent is obtained for musical entertainment, such musical entertainment provided within the premises is to be ancillary or incidental to the purpose of a restaurant, and the premises is not to be used or promoted as an entertainment venue.
LIQO660032512	Verace Pizzeria	Restricted	No entertainment provided by a living person including a DJ shall be permitted at the premises, at any time.
LIQO660032533	Harmo Aangan	Restricted	No music is to be played in the outdoor area.
LIQO660032555	Fantasea Joy	Restricted	Any cruise that has music provided with no dinner seating or canape/cocktail party arrangements i.e. dance parties and any events incorporating adult entertainment are strictly prohibited.
LIQO660032569	MV Ocean Blue	Restricted	The vessel must not be chartered for any function that can be described as a "Bucks" or "Hens" party or an event where "adult entertainment" is provided.
LIQO660032570	SHADOW CHARTERS PTY LTD	Restricted	The Licensee must not permit dance party events to be conducted on the premises. For the purpose of this condition a dance party event means an event, whether a ticketed event or otherwise, which is open to the public and where the primary activity is entertainment provided by live DJ/DJs and/or live performances for the purpose of dancing. Note: the above condition is not intended to include wedding ceremonies/receptions, corporate events and school formal at which DJ entertainment or other live performance/s of electronic dance music is provided ancillary to the event.
LIQO660032577	Sydney Magic Cruises	Restricted	The principal purpose of any cruise shall not be for dance parties involving dancing to music provided by a DJ or by live performers incorporating adult entertainment are strictly prohibited.
LIQO660032578	CLASSIC BOAT CRUISES PTY LTD	Restricted	Any speakers in any outdoor area of the premises must be turned off at or before 9:00pm. Any live entertainment provided in any outdoor area of the premises must be ceased at or before 9:00pm.
LIQO660032644	BQO City Buffet	Restricted	Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.
LIQO660032655	Olio@Yersington St	Restricted	Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.
LIQO660032656	Tenancy D2 Restaurant	Restricted	Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.
LIQO660032658	The Private Kitchen	Restricted	Any noise emitted from the premises must not be audible within any habitable room or residence. No amplified music such as live music, amplified acoustic music or music provided by a DJ shall be conducted on the licensed premises. y y
LIQO660032677	The Lane	Restricted	

LIQO6600032685	Salaryman Sydney	Restricted	Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.
LIQO6600032690	Chefs Gallery Little Saigon	Restricted	No live music is to be played within the premises. No recorded music or other sound emitting electronic devices are to be played on the terrace areas or audible beyond the site boundary.
LIQO6600032691	Kanzi Fashion Cafe	Restricted	No live music is to be played within the premises without separate and prior approval of council. No recorded music or other sound emitting electronic devices is to be played on the terrace areas or audible beyond the site boundary.
LIQO6600032717	Butcher and the Farmer	Restricted	Speakers and/or noise amplification must not be installed and music must not be played in any part of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.
LIQO6600032719	Zeus Cronulla	Restricted	The licensee must ensure there is no live or amplified music in the outdoor dining area.
LIQO6600032720	Gerrale St. Kitchen	Restricted	The licensee must ensure there is no live or amplified music in the outdoor dining area.
LIQO6600032721	Jake Chalmers	Restricted	The licensee must ensure that all external doors and windows to the venue are closed from 10pm. There shall be no live or amplified music in the outdoor dining area.
LIQO6600032722	Blackwood Pantry	Restricted	The licensee must ensure there is no live or amplified music in the outdoor dining area.
LIQO6600032726	Event Cinemas Hurstville	Restricted	At all times the primary purpose of the premises is to operate as a cinema. Public entertainment venue.
LIQO6600032729	Ruby Lane Wholefoods	Restricted	The licensee will ensure that there is no use of amplified sound equipment and/or public address systems in the outdoor area.
LIQO6600032730	The Vintage Cafe Newtown	Restricted	Entertainment is limited to background, ambient music only.
LIQO6600032735	Bekya	Restricted	Speakers and/or noise amplification must not be installed and music must not be played in any part of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.
LIQO6600032744	South Pacific Motor Yachts	Restricted	Any type of event that could be described as a "dance party" is prohibited. This includes the vessel being part of a group of vessels or part of a land based activity which involves an event that could be described as a "dance party" or where amplified music is the main reason for the event or gathering.
LIQO6600032750	MV Sunseeker	Restricted	Any type of event that could be described as a "dance party" is prohibited. This includes the vessel being part of a group of vessels or part of a land based activity which involves an event that could be described as a "dance party" or where amplified music is the main reason for the event or gathering.
LIQO6600032756	Napule	Restricted	The licensee must ensure there is no entertainment other than light background music.
LIQO6600032757	SYDNEY CLASSIC BOAT CHARTERS PTY LTD	Restricted	The licensee must not permit dance party events to be conducted on the premises. For the purpose of this condition a dance party event means an event, whether a ticketed event or otherwise, which is open to the public and where the primary activity is entertainment provided by live DJ/DJs and/or other live performers for the purpose of dancing. Note: The above condition is not intended to include wedding ceremonies/receptions, corporate events, and school formal at which DJ entertainment or other live performance/s of electronic dance music is provided ancillary to the event.
LIQO6600032759	Bistrot Gavroche	Restricted	Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.
LIQO6600032760	Tandoozi Lounge	Restricted	Providing that the relevant development consent is obtained for musical entertainment, such as music entertainment provided within the premises be ancillary or incidental to the purpose of a restaurant and the premises not be used or promoted as an entertainment venue. (This condition is sought to prohibit the playing of loud music, whether or not a disc jockey or band is involved).
LIQO6600032765	The Indian Joint	Restricted	The licensee must ensure there is no amplified music due to the close proximity of residential dwellings.
LIQO6600032766	Clearview Cruises	Restricted	The licensee will not host stag/bucks nights, hens nights, under 18 events, alcohol only events, dance parties and events incorporation adult entertainment.
LIQO6600032773	Chefs Dynasty Seafood Restaurant	Restricted	No live music is to be played within the premises. No recorded music or other sound emitting electronic devices are to be played on the terrace areas or audible beyond the site boundary.
LIQO6600032782	The Pigeonhole Cafe	Restricted	The Licensed Premises are not to be themed or operated as a Nightclub. No DJ styled booth, no disco lighting systems and no dance floor area are to be utilised at any time in the premises.
LIQO6600032807	Adventure Sails	Restricted	The Licensee must not permit dance party events to be conducted on the premises. If for the purpose of this condition a dance party event means an event, whether a ticketed event or otherwise, which is open to the public and where the primary activity is entertainment provided by live DJ/DJs and/or live performers for the purpose of dancing. Note: The above condition is not intended to include wedding ceremonies/receptions, corporate events and school formal at which DJ entertainment or other live performance/s of electronic dance music is provided ancillary to the event.
LIQO6600032810	CAFE BOARDROOM	Restricted	No entertainment, commonly known as DJ is permitted on the premises at any time.
LIQO6600032821	My Seven Star	Restricted	Any type of event that could be described as a "dance party" is prohibited. This includes the vessel being part of a group of vessels or part of a land based activity which involves an event that could be described as a "dance party" or where amplified music is the main reason for the event or gathering.
LIQO6600032842	Leit of Field-Rhodes	Restricted	No entertainment other than light background music unless a function is held.
LIQO6600032849	Christopher Robn Espresso Pty Ltd	Restricted	The licensee must ensure that there is no entertainment other than light background music.
LIQO6600032851	Bourke Street Bakery	Restricted	There shall be no lighting, dance floors or any other set ups which resemble a nightclub.
LIQO6600032853	Assembly Pizza	Restricted	The licensed premises are not to be themed or operated as a Nightclub. There is to be no DJ styled booth, no disco lighting systems and no dance floor area to be utilised at any time in the premises.

L100660032922	Madame Shanghai	Restricted	The licensed premises are not to be themed or operated as a nightclub. No DJ styled booth, no disco lighting systems and no dance floor area are to be utilised at any time on the premises.
L100660032935	The Harvest at Milton	Restricted	Amplified music or other entertainment is not permitted in the outdoor dining area
L100660032949	Peking Restaurant Rhodes	Restricted	No entertainment other than light background music.
L100660032953	Barzaan	Restricted	No live entertainment at any time.
L100660032959	AL-OI THAI RESTAURANT	Restricted	Providing that development consent is obtained for musical entertainment, such music entertainment provided within the premises be ancillary or incidental to the purpose of a restaurant, and the premises not be used or promoted as an entertainment venue. (This condition is sought to prohibit the playing of loud music, whether or not a disc jockey or band is involved)
L100660032977	Dexus Place	Restricted	The premises are to operate with its principal business being that of a meeting centre for business persons defined by the Liquor Act and not as a nightclub providing nightclub style entertainment. No dance floors or special effect lighting to be utilised within the premises.
L100660033018	Bolton Street Pantry	Restricted	Providing that relevant development consent is obtained for musical entertainment, such music entertainment provided within the premises be ancillary or incidental to the purpose of a restaurant, and the premises not be used or promoted as an entertainment venue.
L100660033021	BALCON BY TAPAVINO	Restricted	The licensed Premises are not to be themed or operated as a Nightclub. No DJ styled booth, no disco lighting systems and no dance floor area are to be utilised at any time in the premises.
L100660033038	Kenny Rens	Restricted	The premises is to operate with its principal business being that of a restaurant as defined by the Liquor Act 2007 and not as a bar or a nightclub providing nightclub style entertainment.
L100660033041	The Penny Royale	Restricted	No amplified music or entertainment is to be played in the outdoor area and no music or live entertainment from within the premises is to be heard at the boundary of the closest residential premises.
L100660033050	Gold Class Danuma	Restricted	The licensed premises is not to be operated as a nightclub. No disco styled lighting is to be utilised at the venue. No dance floor is to be located at the premises. No DJs undertaking live mixing for dancing, live bands or concert performers are allowed.
L100660033053	Next Door Restaurant	Restricted	The licensed Premises are not to be themed or operated as a Nightclub. No DJ styled booth, no disco lighting systems and no dance floor area are to be utilised at any time in the premises.
L100660033071	Platinum	Restricted	The licensee will not host Stag/Bucks nights, Hen's nights, Under 18 events, alcohol only events, dance parties and events incorporating adult entertainment. For the purpose of this condition - A dance party event means an event, whether ticketed event or otherwise, which is open to the public and where the primary activity is entertainment provided by live DJ/DJs and/or the live performances for the purpose of dancing. This includes the vessel being part of a group of vessels or part of a land based activity which involves an event that could be described as a "Dance Party" or where amplified music is the main reason for the event or gathering. Note: This requirement is not intended to include wedding ceremonies/receptions, corporate events, and school formals at which DJ entertainment or other live performances of electronic dance music is provided ancillary to the event. Adult entertainment may include, but is not limited to, events involving nudity, simulated sex and/or audience participation.
L100660033072	Element Charters	Restricted	The licensee will not host Stag/Bucks nights, Hen's nights, Under 18 events, alcohol only events, dance parties and events incorporating adult entertainment. For the purpose of this condition - A dance party event means an event, whether ticketed event or otherwise, which is open to the public and where the primary activity is entertainment provided by live DJ/DJs and/or the live performances for the purpose of dancing. This includes the vessel being part of a group of vessels or part of a land based activity which involves an event that could be described as a "Dance Party" or where amplified music is the main reason for the event or gathering. Note: This requirement is not intended to include wedding ceremonies/receptions, corporate events, and school formals at which DJ entertainment or other live performances of electronic dance music is provided ancillary to the event. Adult entertainment may include, but is not limited to, events involving nudity, simulated sex and/or audience participation.
L100660033091	Mangia e Bevi	Restricted	The premises is to operate with its principal business being that of a restaurant as defined by the Liquor Act 2007 and not as a bar or a nightclub providing nightclub style entertainment.
L100660033120	Seadeck	Restricted	The licensee must not permit stag/bucks nights, hens nights, under 18 events, alcohol only events, dance parties and events incorporating adult entertainment. For the purpose of this condition - a. A dance party event means an event, whether ticketed event or otherwise, which is open to the public and where the primary activity is entertainment provided by live DJ/DJs and/or other live performances for the purpose of dancing. Note: This requirement is not intended to include wedding ceremonies/receptions, corporate events, and school formals at which DJ entertainment or other live performances of electronic dance music is provided ancillary to the event. b. Adult entertainment may include, but is not limited to, events involving nudity, simulated sex and/or audience participation.
L100660033134	Sydney Premium Fishing Charters	Restricted	The licensee will not host Stag/Bucks nights, Hen's nights, Under 18 events, alcohol only events, dance parties and events incorporating adult entertainment. For the purpose of this condition - A dance party event means an event, whether ticketed event or otherwise, which is open to the public and where the primary activity is entertainment provided by live DJ/DJs and/or the live performances for the purpose of dancing. This includes the vessel being part of a group of vessels or part of a land based activity which involves an event that could be described as a "Dance Party" or where amplified music is the main reason for the event or gathering. Note: This requirement is not intended to include wedding ceremonies/receptions, corporate events, and school formals at which DJ entertainment or other live performances of electronic dance music is provided ancillary to the event. Adult entertainment may include, but is not limited to, events involving nudity, simulated sex and/or audience participation.

L100660033140	Fantasea Catalina	Restricted	3. The licensee must not permit stagbuck's nights, hen's nights, under 18 events, alcohol only events, dance parties and events incorporating adult entertainment. For the purpose of this condition: • A dance party event means an event, whether ticketed event or otherwise, which is open to the public and where the primary activity is entertainment provided by live DJ/DJs and/or other live performances for the purpose of dancing. Note: This requirement is not intended to include wedding ceremonies/receptions, corporate events, and school formal at which DJ entertainment or other live performances of electronic dance music is provided ancillary to the event. • Adult entertainment may include, but is not limited to, events involving nudity, simulated sex and/or audience participation. The Licensed Premises are not to be themed or operated as a nightclub. No DJ styled booth, no disco lighting systems and no dance floor area are to be utilised at any time in the premises.
L100660033147	BURGER PROJECT GROSVENOR PLACE	Restricted	No music or any form of entertainment are permitted within the outdoor area.
L100660033156	Cousin Jacks Pasty Co.	Restricted	The licensee or its representative must ensure that no live entertainment is performed within the premises and that no music (amplified or otherwise) played within the premises is heard at the boundary of the closest residential premises.
L100660033168	The Agency	Restricted	The licensee must not permit stagbuck's nights, hen's nights, under 18 events, alcohol only events, dance parties and events incorporating adult entertainment. For the purpose of this condition:- A dance party event means an event, whether ticketed event or otherwise, which is open to the public and where the primary activity is entertainment provided by live DJ/DJs and/or other live performances for the purpose of dancing. Note: This requirement is not intended to include wedding ceremonies/receptions, corporate events, and school formal at which DJ entertainment or other live performances of electronic dance music is provided ancillary to the event. Adult entertainment may include, but is not limited to, events involving nudity, simulated sex and/or audience participation.
L100660033172	Mandurama	Restricted	No music or entertainment (other than background music) is permitted at the venue.
L100660033181	Seawoo Restaurant	Restricted	No dance floors or areas are to be set up or used and no DJ style music to be used as entertainment.
L100660033203	Jardin St James	Restricted	The licensee is to ensure that there is no amplified music within the premises.
L100660033213	No. 7 Norah Head	Restricted	Entertainment is to be restricted to solo acoustic artists either outside the venue, or in the corner of the licensed premises.
L100660033226	Mimamura Cafe	Restricted	No music is to be provided in the outdoor dining area.
L100660033280	NEWY BURGER CO.	Restricted	The Licensed Premises are not to be themed or operated as a Nightclub. No DJ styled booth, no disco lighting systems and no dance floor area are to be utilised at any time in the premises.
L100660033286	BEKYA WORLD SQUARE	Restricted	The Licensed Premises are not to be themed or operated as a Nightclub. No DJ styled booth, no disco lighting systems and no dance floor area are to be utilised at any time in the premises.
L100660033290	Pablo & Rustys 161 Pty Ltd	Restricted	The Licensed Premises are not to be themed or operated as a Nightclub. No DJ styled booth, no disco lighting systems and no dance floor area are to be utilised at any time in the premises.
L100660033206	Guylian Cafe 580 George St	Restricted	The Licensed Premises are not to be themed or operated as a Nightclub. No DJ styled booth, no disco lighting systems and no dance floor area are to be utilised at any time in the premises.
L100660033310	Tripod Cafe	Restricted	Amplified music must not be played in the courtyard, and speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.
L100660033320	The Village at Narellan	Restricted	The premises are not to be used or promoted solely as an entertainment venue. Any entertainment provided within the premises must be an ancillary or incidental to the purpose of a restaurant/bar.
L100660033324	Yakiniku Yokochi	Restricted	The licensee premises are not to be themed or operated as a Nightclub. No DJ styled booth, no disco lighting systems and no dance floor area are to be utilised at any time in the premises.
L100660033331	The Grand Pavilion - Womers Bay	Restricted	Providing that the relevant development consent is obtained for musical entertainment, such music entertainment provided within the premises is to be ancillary or incidental to the purpose of a restaurant, and the premises is not to be used or promoted as an entertainment venue.
L100660033335	Third Eye Rooftop Restaurant & Function Center	Restricted	The licensee will not host alcohol only events, dance parties or operate the premises in the manner of a nightclub. A dance party event means an event, whether ticketed event or otherwise, which is open to the public and where the primary activity is entertainment provided by live DJ/DJs and/or the live performances for the purpose of dancing. Note: This requirement is not intended to include wedding ceremonies/receptions, corporate events, and school formal at which DJ entertainment or other live performances of electronic dance music is provided ancillary to the event.
L100660033338	Harbour Sailing Pty Ltd	Restricted	The licensee must not permit stagbuck's nights, hen's nights, under 18 events, alcohol only events, dance parties and events incorporating adult entertainment. For the purpose of this condition: A dance party event means an event, whether ticketed event or otherwise, which is open to the public and where the primary activity is entertainment provided by live DJ/DJs and/or other live performances for the purpose of dancing. Adult entertainment may include, but is not limited to, events involving nudity, simulated sex and/or audience participation.
L100660033347	MV Collaroy	Restricted	The licensee must not permit dance party events to be conducted on the premises. For the purpose of this condition, a "dance party event" means an event, whether a ticketed event or otherwise, which is open to the public and where the primary activity is entertainment provided by live DJ/DJs and/or other live performances for the purpose of dancing.
L100660033353	MV Queenscliff	Restricted	The licensee must not permit dance party events to be conducted on the premises. For the purpose of this condition, a "dance party event" means an event, whether a ticketed event or otherwise, which is open to the public and where the primary activity is entertainment provided by live DJ/DJs and/or other live performances for the purpose of dancing.
L100660033354	MV Freshwater	Restricted	The licensee must not permit dance party events to be conducted on the premises. For the purpose of this condition, a "dance party event" means an event, whether a ticketed event or otherwise, which is open to the public and where the primary activity is entertainment provided by live DJ/DJs and/or other live performances for the purpose of dancing.
L100660033355	MV Narrabeen	Restricted	The licensee must not permit dance party events to be conducted on the premises. For the purpose of this condition, a "dance party event" means an event, whether a ticketed event or otherwise, which is open to the public and where the primary activity is entertainment provided by live DJ/DJs and/or other live performances for the purpose of dancing.
L100660033363	Franks Wild Years	Restricted	Entertainment must cease at 10:00 PM.

LIG06600033365	Bare Grill on Bourke	Restricted	Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises
LIG06600033379	THW GEORGE	Restricted	The Licensed Premises are not to be themed or operated as a Nightclub. No DJ styled booth, no disco lighting systems and no dance floor area are to be utilised at any time in the premises.
LIG06600033413	Bare Witness	Restricted	Speakers must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.
LIG06600033417	Devus Place Pty Limited - GMT	Restricted	The Licensed Premises are not to be themed or operated as a Nightclub. No DJ styled booth, no disco lighting systems and no dance floor area are to be utilised at any time in the premises.
LIG06600033427	Vivant Wine and Tapas	Restricted	No DJ or live bands are to be engaged.
LIG06600033462	Port Venture Jenvis Bay Wild PTY LTD	Restricted	The licensee will not host Stag/Buck's nights, Hen's nights, under 18 events, alcohol only events, dance parties and events incorporating adult entertainment. For the purpose of this condition - A dance party event means an event, whether ticketed or otherwise, which is open to the public and where the primary activity is entertainment provided by live DJ/DJs and/or the live performances for the purpose of dancing. This includes the vessel being part of a group of vessels, or part of a land based activity which involves an event that could be described as a "Dance Party" or where amplified music is the main reason for the event or gathering. Note: This requirement is not intended to include wedding ceremonies/receptions, corporate events, and school formal at which DJ entertainment or other live performances of electronic dance music is provided ancillary to the event. Adult entertainment may include, but is not limited to, events involving nudity, simulated sex and/or audience participation.
LIG06600033508	Clifton Operations Pty Limited	Restricted	The Licensed Premises are not to be themed or operated as a Nightclub. No DJ styled booth, no disco lighting systems and no dance floor area are to be utilised at any time in the premises.
LIG06600033529	Flower Child Caf, Warringah Mall	Restricted	The licensee must ensure that there is no amplified music from the venue due to the close proximity of other retail outlets and members of the public shopping.
LIG06600033543	Harry's Bistro and Bar	Restricted	There is to be no live entertainment or amplified music within the premises after 11.00pm (this does not include low level background music).
LIG06600033559	Blown Lux	Restricted	The licensed premises are not to be themed or operated as a Nightclub. No DJ styled booth, no disco lighting systems and no dance floor area are to be utilised at any time at the licensed premises.
LIG06600033562	Liquid Infusion	Restricted	The sale on other premises authorisation cannot be exercised at music festivals or concerts.
LIG06600033574	Rozzies	Restricted	No amplified music due to the close proximity of other retail outlets and members of the public shopping.
LIG06600033589	Spicy Joint	Restricted	Entertainment Noise, music and live entertainment a. The use of the outdoor seating area shall not cause a nuisance, or an offensive noise as defined under the Protection of the Environment Operations Act 1997, to adjoining properties or to the public. b. No amplified music or entertainment shall be played in the outdoor seating area. No speakers shall be fitted placed or directed towards the outdoor seating area at any time. c. Any noise complaints are to be recorded in the Incident Register and provided to authorised officers upon request. d. The Licensed Premises are not to be themed or operated as a Nightclub. e. No DJ styled booth, no disco lighting systems are to be utilised at any time on the premises. f. No Dance floor is to be located on the premises or installed to support entertainment. g. Entertainment is strictly limited to light entertainment which includes background music, (no DJs undertaking live mixing for dancing, live bands or concert performers are allowed).
LIG06600033904	Stanton & Co	Restricted	There is to be no live entertainment or amplified music provided on the balcony at any time, furthermore, there is to be no entertainment or amplified music inside the premises after 10.00 PM.
LIG06600033908	Infinity Pacific	Restricted	The licensee must not permit dance party events to be conducted on the premises. For the purpose of this condition a dance party event means an event, whether a ticketed event or otherwise, which is open to the public and where the primary activity is entertainment provided by live DJ/DJs and/or other live performances for the purpose of dancing. (This could include the vessel, been part of a group of vessels or part of a land based activity which are involved in an event that could be describe as a "Dance Party" or where amplified music is the main areas on for the event or gathering).
LIG06600033950	Felix Hotel	Restricted	No live bands or DJs are to be engaged and no live entertainment to be provided after midnight.
LIG06600033982	The Lame Fox	Restricted	There is to be no amplified music or entertainment in the outdoor areas after 10.00 PM.
LIG06600034060	Coral Trekker	Restricted	Dance party restriction condition The licensee must not permit dance party events to be conducted on the premises. For the purpose of this condition a dance party event means an event, whether a ticketed event or otherwise, which is open to the public and where the primary activity is entertainment provided by live DJ/DJs and/or other live performances for the purpose of dancing. Note: The above condition is not intended to include wedding ceremonies/receptions, corporate events, and school formal at which DJ entertainment or other live performances of electronic dance music is provided ancillary to the event.
LIG06600034069	Capricornian Sunrise	Restricted	The licensee must not permit stag/bucks nights, hens nights, under 18 events, alcohol only events, dance parties and events incorporating adult entertainment. For the purpose of this condition - A dance party event means an event, whether ticketed or otherwise, which is open to the public and where the primary activity is entertainment provided by live DJ/DJs and/or other live performances for the purpose of dancing. Note: This requirement is not intended to include wedding ceremonies/receptions, corporate events, and school formal at which DJ entertainment or other live performances of electronic dance music is provided ancillary to the event. Adult entertainment may include, but is not limited to, events involving nudity, simulated sex and/or audience participation.

LJ005800034168			Restricted	The licensee will host StagBuck's nights, Hart's nights, alcohol only events, dance parties and events incorporating adult entertainment. For the purpose of this condition - A dance party event means an event, whether ticketed event or otherwise, which is open to the public and where the primary activity is entertainment provided by live DJ/DJs and/or the live performances for the purpose of dancing. This includes the vessel being part of a group of vessels or part of a land based activity which involves an event that could be described as a "Dance Party" or where amplified music is the main reason for the event or gathering. Note: This requirement is not intended to include wedding ceremonies/receptions, corporate events, and special formal events at which DJ entertainment or other live performance of electronic dance music is provided ancillary to the event. Adult entertainment may include but is not limited to events involving nudity, simulated sex and/or audience participation.
LJ005800034338	The Bavarian Rouse Hill		Restricted	Any noise emitted from the premises must not be audible within any habitable room or residence of the Rouse Hill Town Centre. No live bands or DJs.
LJ005800034385	Serve Food Truck Bar		Restricted	The licensed premises must not be framed or created as a nightclub or licensed dance party. No DJ styled booth, no disco lighting systems and no dance floor area are to be utilised at any time in the premises.
LJ005800034407	Coffee or Keys?		Restricted	Providing that relevant development consent is obtained for musical entertainment, such music entertainment provided within the premises be ancillary or incidental to the purpose of a restaurant, and the premises is not to be used or promoted as an entertainment venue.
LJ005800034430	Mokey's Surf Life Saving Club		Restricted	Musical entertainment provided within the premises must be ancillary or incidental to the function occurring. The premises are not to be used or promoted as an entertainment venue.
Liquor - producer/wholesaler licence				
LJ005824013245	Slow Wine Co		Restricted	Entertainment is to be limited to musicians providing soft background music.
LJ00580014398	Dab & Dave's Brewing		Restricted	There is to be no live entertainment, DJ's or amplified music that exceeds the standard noise thresholds at the premises.
LJ00580014570	Nomad Brewing Company Pty Ltd		Restricted	Any live music and/or entertainment is to be restricted to acoustic, guitar and brass, and low background music and/or TV screens.
LJ00580014660	The Avoca Beach Brewing Company		Restricted	Any live entertainment provided must be solo, duo or small groups and not heavy metal, large bands or loud rock music.
LJ00580014784	Shedhouse Brew Cafe		Restricted	The licensee must ensure no live or amplified music is played in any outdoor area of the venue.
LJ00580014892	Francis Bairo and Brewery		Restricted	No amplified music is to be provided at the premises after 9:30pm.
LJ00580014900	Jincabyme Brewing		Restricted	Amplified music must cease by 10:00 PM each night.
Liquor - small bar licence				
LJ05220000022	LJS WINE BAR & EATERY		Restricted	No music or live entertainment from within the premises to be heard at the boundary of the premises/adjacent premises.
LJ05220000029	A Glass of Bobby		Restricted	There is to be no live entertainment or amplified music after 10:00 PM.
LJ05220000040	WGH Wine Bar		Restricted	Only entertainment that is ancillary to the principal use of the premises as a small bar is to be provided at the premises.
LJ05220000047	Bar Florent		Restricted	There is to be no live entertainment or amplified music within the premises after 11:00pm.
LJ05220000074	GL By Bar Chinvie		Restricted	Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the play of music towards the outdoor areas associated with the premises.
LJ05220000085	Monkey's Corner		Restricted	Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the play of music towards the outdoor areas associated with the premises.
LJ05220000088	King of the Mosh Pit		Restricted	Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the play of music towards the outdoor areas associated with the premises.
LJ05220000118	Vault Entertainment Venue		Restricted	Entertainment: The licensed premises must not be themed or operated as a nightclub or ticketed dance party venue.
Grand Total				

Appendix 4 Proposed licensing conditions to be imposed on the Sydney Fringe Festival⁸⁹⁴

Chief Executive,
City of Sydney Council
456 Kent Street SYDNEY 2000

dasubmissions@cityofsydney.nsw.gov.au

ATT: Jarrad SHEATHER – Senior Planner.

RE: D/2016/1830



NSW Police Force
www.police.nsw.gov.au

Application relating to the change of use into an Entertainment Centre: 251-225 Euston Road, ALEXANDRIA, NSW, 2015.

The application is for a 400 patron entertainment venue with gallery and cafe to be incorporated in an existing building at Sydney Park. The hours sought are 9am until 6pm for the gallery/cafe and 10am until 2am the following day Monday to Saturday and 10am until 10pm Sundays for the entertainment venue.

The venue is to be used by Sydney Fringe Festival during all of September 2017 and every Saturday thereafter for 12 months or until the site is redeveloped into residential dwelling units sometime in the future. The applicant intends to utilise both indoor and outdoor areas. (*Up to 100 patrons outside the warehouse.*)

It is not clear from the application if the applicant intends to apply for a liquor licence or utilise outside catering licenses. In either case, the venue Plan of Management (POM) is inadequate and fails to substantially address key issues relevant to the operation of a high risk licensed venue.

If a venue offers DJ music and dancing as part of the entertainment line up, it should be considered as a Category A premises. Sydney Fringe Festival 2016 line up included various disco's including; Drag disco, Retro Disco, Deadly Disco, Silent Disco and Delorean Disco. The entertainment venue will inevitably be utilised for disco events in 2017 and therefore be captured under the Category A criteria. If this is not the case, the applicant will have no issues with the inclusion of condition 7 as suggested below.

Police are concerned by the absence of any reference to alcohol related crime in the Statement of Environmental Effects, particularly when addressing Safety and Security.

From a Police perspective, there are several aggregating factors relevant to this venue being utilised as an entertainment venue. These include:

- Its lack of access to public transport particularly late at night. Apart from offering to ring a taxi the applicant offers no explanation as to how a crowd of 400 alcohol affected persons are going to get home at 2am.

REDFERN LICENSING UNIT

Redfern Police Station

1 Lawson Street, REDFERN, 2016

NSW POLICE FORCE RECRUITING NOW 1800 222 122
WWW.POLICE.NSW.GOV.AU/RECRUITMENT

⁸⁹⁴

Correspondence, from Ms Kerri Glasscock, Sydney Fringe Festival, to secretariat, received 22 October 2018, Attachment A.

- The nearest rail station is over 700 meters away and requires patrons to walk in areas that do not provide adequate lighting or passive surveillance. The last train from St Peters to Central Station departs St Peters at 1.36am. There is only the occasional bus after this time.
- Its location in parkland will see groups of patrons wandering into the park at night leading to antisocial activity. Even more worrying are individuals wandering through the park at night and becoming victims of crime.
- Police attend Sydney Park on a regular basis to attend to various matters and incidents. These vary from many lost property incidents, person searches, move-on directions, drug detections, malicious damage, and lewdness to more serious crime including assaults, sexual assaults, robbery and one suicide.

The application explains that proof of age will be required at the "*discretion of the licensee*". Rather than discretionary, this should be a mandatory process for every person who appears to be under 25 years old and a wrist band system initiated to control under age entry.

Security is addressed by suggesting that *2 guards will be employed until 30 minutes after the last patron leaves*. (POM Part 9) This is considerably less than the industry standard. 2 licensed uniformed security guards for the first 100 patrons and a further 1 for every 100 thereafter would be considered a minimum (5). Given the large building size with external areas to consider, more would be appropriate for a late night licensed venue. Furthermore, Responsible Service of Alcohol Marshals have not been considered in the Plan of Management.

Behaviour of Patrons and Responsible Service of Alcohol is addressed by resiting obligations under the Liquor Act and little else. There is nothing outside these basic obligations that the applicant promotes to manage alcohol service, intoxication, crowd control, and the safety of patrons when they leave the venue.

Police are opposed to the granting of this Development Application in its current form.

Should the consent authority approve this application, Police request that various conditions are added to the entertainment venue's development consent aimed at satisfying the Consent Authority and Police that as far as reasonably practicable, liquor will be sold, supplied or served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on those premises and that those patrons are not in harm's way when they exit the premises. To this end, Police feel that a 12 midnight closure is paramount.

- 1) The trading hours for the venue are **10am until 11 midnight** 7 days.

Notwithstanding the above, the use may operate between 11.00pm and 12.00 midnight for a trial period of 12 months from the date of issue of the Occupation Certificate.

- 2) Service of liquor must cease 30 minutes prior to the consented closing time.

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- 3) Any liquor license utilised at the venue must be exercised in accordance with any Plan of Management applicable to the venue. The Plan of management is to be approved by Police and the Consent Authority and updated at the discretion of the Consent Authority or Police.
- 4) The consent holder must ensure that any external caterer utilising a liquor licence at the premises:
 - Advise the relevant Local Area Command and Local Consent Authority of the event no later than 14 clear days prior to the event taking place.
 - Ensure a Plan of Management and Security management Plan are provided to the Local Area Command and Local Consent Authority 14 days prior to the event.
- 5) The consent holder must ensure that whenever the venue is utilised after 6pm, uniformed security guard/s are engaged at the minimum ratio of 2:100 for the first 100 patrons and a further 1:100 thereafter.
Security guards must remain at the venue until the last guest has left the vicinity and ensure the quiet, orderly and safe departure of patrons from the area.
Security guards must maintain vigilance around the perimeter of the venue to monitor anti social activity.
- 6) The consent holder must ensure that any licensed area is defined and secured by walls, fences, roped areas etc. and that no liquor is to be taken out of the defined licensed area.
- 7) The venue is not to be used for entertainment that includes DJ's and dancing.
- 8) Any licensee utilising the venue after 6pm must ensure that minors (-18's) are not permitted to enter any licensed area or be in any licensed area at any time unless in the immediate company of a responsible adult and wearing a wrist band provided by the licensee identifying them as minors.

The above additions to the development consent are designed to reduce the risk of anti-social behaviour associated with the consumption of alcohol and to ensure that the use of the venue does not negatively impact on the amenity of the area or the safety of patrons.

For any further information of discussion please contact the undersigned.

Senior [REDACTED]
Redfern Police Licensing Office.
1 Lawson Street, Redfern NSW 2021
Ph: 02 - 83035123
email: [REDACTED]

30/01/2017

NSW POLICE FORCE RECRUITING NOW 1800 222 122
WWW.POLICE.NSW.GOV.AU/RECRUITMENT

Appendix 5 Live music industry code of conduct⁸⁹⁵

The Media, Entertainment and Arts Alliance (MEAA) advocated for the adoption of a live music industry code of conduct. In response to a request from the committee, the MEAA provided the information below to set out the likely content that such a code may encompass.

Live music industry code of conduct.

Purpose: to restore confidence to the live music performance sector by articulating agreed voluntary standards, obligations and procedures for musician, venue operators, agents and others. The code will be agreed by MEAA on behalf of its member musicians and relevant industry bodies, individual venues and agents. It will include information and arrangements for performance fees and conditions; the reciprocal standards and obligations of performers; protocols for performance contracts and agreements including no cost dispute resolution procedures.

Some likely code items and topics:

- Fee information, conditions of performance, performance types and venues
- Health and safety conditions and procedures.
- Agreement to develop and use standard performance agreements
- Commitment to no cost, non-legalistic dispute resolution procedures
- Agreement to establish or identify suitable dispute resolution procedures
- Agreement to facilitate and conduct professional development opportunities for musicians and others. To include obligations under the Entertainment Industry Act and other relevant statutes and regulations.
- Code education and promotion program.

Further to the above a recent MEAA survey elicited the following responses on what should be included and dealt with in an industry code.

Live Music Code of Conduct: Survey ideas and suggestions.

An industry code should include/deal with:

- 'Open mic' guidelines
- Musicians performance standards to be defined
- Musicians to abide by to timetables/schedules
- Fair venues/festivals endorsement

⁸⁹⁵ Answers to questions on notice, Media, Entertainment and Arts Alliance, received 5 October 2018.

- Defined professional standards/membership
- Explicitly support and encouragement of other musicians at gigs
- Penalties for non-compliance
- The code should cover engineers, lighting operators and crew, including merchandise staff and photographers
- Joint/shared responsibilities/obligations for health and safety
- Fairer pay
- 'Part-timers' paid the same, to avoid undercutting
- Exceptions to allow casuals/amateurs and community groups and for genuine/registered fundraising
- Licensing of musicians
- Include anti-discrimination provisions
- Rules/protocols for cancellations
- No undercutting for "exposure"
- Health and safety rules include not being exposed to smoking areas
- Musicians can veto/cancel due to unacceptable behaviour of venue staff etc
- Performance fees to include/account for load in/out set up/sound check etc
- Code should apply to agents
- Clarification of public liability rules, alcohol rules, and "riders"
- Standardised payment rules and protocols including guidelines for in kind payments, food and drink.
- Fair payment for local support acts
- The ability to nominate door/sales staff representatives
- Parking allowances
- Set goals/target for full time musician annual incomes
- Code to ensure safe working environment for women
- Fees to be paid before performance
- No code should apply and individuals should be free to enter into any agreement on any terms without constraint, including performance for no fee
- Venues should negotiate the code to ensure it deals with genuine business issues including affordability

Appendix 6 Implementation of Sydney Night Time Economy Roundtable Action Plan – status at June 2018⁸⁹⁶



GOVERNMENT RESPONSE SYDNEY NIGHT TIME ECONOMY ACTION PLAN – status at June 2018

Action	Response	Status
1.1 Establish a new entity within Government which has ongoing responsibility to implement and monitor action plan progress and liaise with stakeholders to foster and promote Sydney's night time economy, with regular reporting to the Deputy Premier	Supported	Complete
2.1 Develop a night-time economy master plan for Sydney	Supported	In progress
2.2 Establish a central repository to inform NTE planning and decision making	Supported	In progress
2.3 Develop targeted measures to support the master plan to support safer places and spaces through place activation, lighting, "pedestrianising" areas, and other crime prevention through environmental design initiatives and activating streetscapes and building frontages.	Supported	In progress
2.4 Foster stronger management and governance of the night-time economy in areas of high activity – for instance through independent hosts supported by local government (as in Amsterdam / similar to Take Kare ambassadors)	Supported	In progress
2.5 Review planning controls relating to entertainment precincts, to avoid high concentrations of licensed venues and related cumulative impacts	Supported-in-principle	In progress
2.6 Activate streetscapes and building frontages	Supported	In progress
2.7 Identify reforms to the planning regulations through changes to Exempt and Compiling Development (e.g. to encourage start-ups, creative and small business) and the Building Code of Australia (BCA)	Supported	In progress
3.1 Establish an online app or portal to provide real time information about what's on and open and how to access	Supported-in-principle	In progress
3.2 Establish a world class wayfinding system for visitors to access public transport hubs and major facilities	Supported	Complete
3.3 Conduct 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	Noted	Complete – no further action

⁸⁹⁶ Answers to questions on notice, Create NSW, received 26 June 2018.



GOVERNMENT RESPONSE SYDNEY NIGHT TIME ECONOMY ACTION PLAN – status at June 2018

<p>3.4 Identify ways to improve walkability and accessibility in the public domain; improve the connections between entertainment offerings to ensure lively streets connecting a range of night time activities</p>	<p>Supported</p>	<p>In progress</p>
<p>4.1 Continue support for the ongoing NSW Police Force approach to community engagement and policing within the precincts; work with NSW Police Force and relevant bodies to support a safe and vibrant NTE</p>	<p>Supported</p>	<p>Complete - considered business as usual for the NSW Police Force.</p>
<p>4.2 Promote responsible behaviour by developing messages and standards of behaviour that apply to venues and patrons; develop and promote tools and educational materials for industry</p>	<p>Supported-in-principle</p>	<p>In progress</p>
<p>5.1 Work with stakeholders to encourage and facilitate the use of vacant commercial spaces and public places for establishing pop-up performance and art offerings</p>	<p>Supported</p>	<p>In progress</p>
<p>5.2 Work with stakeholders to encourage and facilitate the use of publicly owned land as well as privately owned spaces to enable the establishment of pop-up retail and food offerings</p>	<p>Supported</p>	<p>In progress</p>
<p>5.3 Actively promote the availability of a range of food options at night in the precincts, for example food pop-ups / food trucks, including affordable food options.</p>	<p>Supported-in-principle</p>	<p>Complete</p>
<p>6.1 Trial an increased late-night retail and non-licensed premises trading program</p>	<p>Supported-in-principle</p>	<p>In progress</p>
<p>6.2 Facilitate the promotion and greater public awareness of the late-night opening of Sydney's cultural institutions</p>	<p>Supported</p>	<p>In progress</p>
<p>6.3 Identify how vacant / unused spaces in the city centre and Kings Cross could be utilised for events and activities – for example, markets, live music, light/art installations</p>	<p>Supported</p>	<p>In progress</p>
<p>6.4 Work with stakeholders to promote the activation of street frontages and look at improving processes to make it easier for places to be activated through outdoor dining and/or public art</p>	<p>Supported</p>	<p>In progress</p>
<p>Action 6.5 Identify reforms necessary to the planning laws to enable the promotion and encouragement of multi-purpose venues – i.e. book store by day, small bar by night.</p>	<p>Supported</p>	<p>In progress</p>



GOVERNMENT RESPONSE SYDNEY NIGHT TIME ECONOMY ACTION PLAN – status at June 2018

<p>6.6 Work with stakeholders to support the night-time economy and the diverse offerings of Sydney after dark for all audiences – i.e. arts and culture, sport, entertainment, retail, hospitality</p>	<p>Supported</p>	<p>In progress</p>
<p>7.1 Establish an integrated media / marketing campaign and program</p>	<p>Supported-in-principle</p>	<p>In progress</p>
<p>7.2 Develop and implement a social marketing campaign to achieve cultural change / education to support responsible alcohol consumption and appropriate behaviour in the precinct after dark</p>	<p>Supported-in-principle</p>	<p>In progress</p>

Appendix 7 Implementation of Sydney Night Time Economy Roundtable Action Plan – status at October 2018⁸⁹⁷



NSW GOVERNMENT RESPONSE TO NIGHT-TIME ECONOMY ROUNDTABLE ACTION PLAN – Status as at October 2018

- 25 actions
- 14 actions are complete
- 11 actions are in progress

Action	Response	Lead/Key Partners	Status	Description
GOVERNANCE				
1.1 Establish a new entity within Government which has ongoing responsibility to implement and monitor action plan progress and liaise with stakeholders to foster and promote Sydney's night time economy, with regular reporting to the Deputy Premier	Supported	Create NSW/All Taskforce members	Complete	The NTE Taskforce was established and first met in February 2017 and is led by Create NSW.
PLANNING AND PLACEMAKING				
2.1 Develop a night-time economy Masterplan for Sydney.	Supported	Create NSW/DPC	In progress	The NTE Masterplan is in development and is expected to be completed by the end of 2018 . It will include a targeted range of measures across Sydney to drive coordinated action.
2.2 Establish a central repository to inform NTE planning and decision making	Supported	Create NSW/ Data Analytics Centre Destination NSW Transport for NSW NSW Health Liquor and Gaming NSW City of Sydney	In progress	The Data Analytics Centre is developing a time-series analysis of night-time activity in the Sydney CBD and Kings Cross entertainment precincts by overlaying data from across NTE Taskforce agencies, City of Sydney, arts and cultural organisations and publicly-available data. This will provide insights into where and when events and arts and cultural activity are occurring, locations and hours of licensed venues, trends in crime,

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Answers to questions on notice, Create NSW, received 17 October 2018.

				<p>and the concentration of people and expenditure. The NTE Taskforce is providing input and feedback.</p> <p>The Data Analytics Centre NTE Project will be completed by the end of October 2018 for consideration by Government.</p>
<p>2.3 Develop targeted measures to support the Masterplan to support safer places and spaces through place activation, lighting, "pedestrianising" areas, and other crime prevention through environmental design initiatives and activating streetscapes and building frontages.</p>	<p>Supported</p>	<p>Create NSW/City of Sydney, TfNSW, Justice, Office of Police, DAC, L&GNSW</p>	<p>Complete</p>	<p>Evaluation measures to support the Masterplan and indicate progress towards vibrancy and safety were endorsed by the NTE Taskforce in 2017.</p> <p>NSW Police works closely with government, industry and the community to improve safety at night, including through ongoing discussions and collaborative efforts through the City of Sydney's Night Time Operations Group, the Take Kare Ambassadors and Safe Space Program, the Community Safety Precinct Committees, and the Liquor Accords.</p> <p>For example, the ongoing work of the Night Time Operations Group has included coordinating efforts to improve lighting at Circular Quay, improving safety at night through the coordination of CCTV footage between Property NSW, NSW Police and City of Sydney; and information sharing to coordinate safe people movement at night in relation to Sydney CBD light rail and Sydney metro infrastructure works.</p> <p>The Safe Space and Take Kare Ambassador Program is funded by the Department of Justice, City of Sydney and the private sector through the Thomas Kelly Youth Foundation. The Department of Justice's funding agreement with the Thomas Kelly Youth Foundation continues until 30 June 2019.</p> <p>The Department of Planning and Environment and Liquor and Gaming NSW are continuing discussions to identify ways to align the planning and liquor licensing processes better.</p>
<p>2.4 Foster stronger management and governance of the night-time economy in areas of high activity – for instance through independent hosts supported by local government (as in Amsterdam / similar to Take Kare ambassadors)</p>	<p>Supported</p>	<p>Create NSW /City of Sydney, OSBC, TfNSW, Industry</p>	<p>Complete</p>	
<p>2.5 Review planning controls relating to entertainment precincts, to avoid high concentrations of licensed venues and related cumulative impacts</p>	<p>Supported-in-principle</p>	<p>DPE/ City of Sydney, L&GNSW, DFSI</p>	<p>In progress</p>	

<p>2.6 Activate streetscapes and building frontages</p>	<p>Supported</p>	<p>Create NSW /City of Sydney, DPE, TfNSW</p>	<p>Complete</p>	<p>Place Management NSW continues to work with cultural organisations to activate streetscapes and precincts in the Sydney CBD and Kings Cross entertainment precinct. This includes:</p> <ul style="list-style-type: none"> • The Rocks Christmas Market in July • Providing night-time entertainment over the Christmas period • Coordinating night-time events around the harbour foreshore with the Museum of Contemporary Art, the Sydney Opera House and other cultural organisations. <p>Destination NSW also supports major cultural events in Sydney that support the activation of the Sydney CBD, including Handa Opera on Sydney Harbour, the Sydney International Art Series at the Art Gallery of NSW and the Museum of Contemporary Art, and the Charlie and the Chocolate Factory musical, which will premiere in January 2019. This musical is expected to attract 76,000 overnight visitors to Sydney and generate \$37 million in visitor spend.</p>
<p>2.7 Identify reforms to the planning regulations through changes to Exempt and Compiling Development (e.g. to encourage start-ups, creative and small business) and the Building Code of Australia (BCA)</p>	<p>Supported</p>	<p>DPE/City of Sydney, OSBC, BCA</p>	<p>In progress</p>	<p>The Department of Planning and Environment is investigating building, planning and noise controls to make it easier for business to activate places and spaces with arts and culture at night, and will release a Discussion Paper in mid-2019.</p> <p>The Department of Planning and Environment's work includes investigating the merits of seeking a NSW variation to the National Construction Code to enable small arts organisations to operate from a wider range of building classes.</p>
<p>ACCESS AND TRANSPORT</p>				
<p>3.1 Establish an online app or portal to provide real time information about what's on and open and how to access</p>	<p>Supported-in-principle</p>	<p>Create NSW/DPC, TfNSW, City of Sydney, Destination NSW</p>	<p>In progress</p>	<p>There are a number of mechanisms in place to provide information about what's on in Sydney - City of Sydney's What's On and Destination Sydney.com</p>

				<p>Create NSW promotes arts and cultural offerings via its webpage Sydney@Night, through its social media channels and its e-news.</p> <p>There is still a need for a small but focused customer research piece of work to be completed to verify if there is a gap in on-line information and, if so, what the gap is. Work is underway to engage with the Customer Service Commissioner's team to agree how best to approach this customer research and understand the opportunity to leverage current capabilities within his area.</p>
3.2 Establish a world class wayfinding system for visitors to access public transport hubs and major facilities	Supported	TNSW/ City of Sydney, Destination NSW, DPC Create NSW	Complete	<p>Wayfinding has been upgraded at all train stations, bus stops, ferry wharves and light rail stops in the Sydney CBD. Transport for NSW will continue to identify opportunities to improve and implement new wayfinding infrastructure. It is also exploring a range of innovative tools, including digital kiosks, which may improve wayfinding at night around key transport hubs.</p> <p>Transport for NSW introduced a new all-night service on Route M54 from Parramatta to Macquarie Park via Carlingford in May 2018.</p> <p>New all-night services on the following routes were also introduced from 30 September 2018:</p> <ul style="list-style-type: none"> i. Route 400 Bondi Junction to Eastgardens ii. New route 420N Burwood to Eastgardens via Sydney Airport iii. Route 423 Kingsgrove to City via Earlwood and Newtown. <p>Transport for NSW also funds and operates 12 secure taxi ranks in the Sydney CBD late at night.</p> <p>The City of Sydney and Transport for NSW will make continuous improvements to accessibility.</p>
3.3 Conduct 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	Noted	TNSW/ Destination NSW, Justice, Office of Police	Complete	
3.4 Identify ways to improve walkability and accessibility in the public domain; improve the connections between entertainment offerings to ensure lively streets connecting a range of night time activities	Supported	TNSW/ City of Sydney	Complete	

POLICING ENFORCEMENT AND REGULATION			
4.1 Continue support for the ongoing NSW Police Force approach to community engagement and policing within the precincts; work with NSW Police Force and relevant bodies to support a safe and vibrant NTE	Supported	Justice/City of Sydney, NSW Police Force	Complete The NSW Police Force continues to liaise with a range of community and industry stakeholders, including licensees, Liquor Accords, industry associations, the City of Sydney, resident and business groups in working towards a safe Sydney NTE.
4.2 Promote responsible behaviour by developing messages and standards of behaviour that apply to venues and patrons; develop and promote tools and educational materials for industry	Supported-in-principle	L&GNSW Health, AHA, Justice Office of Police	in progress Liquor and Gaming NSW developed a plan to support responsible alcohol consumption and appropriate behaviour in the precinct after dark, and this forms part of the Media and Marketing Campaign that was endorsed by the NTE Taskforce.
CULTURAL AND BEHAVIOURAL CHANGE			
5.1 Work with stakeholders to encourage and facilitate the use of vacant commercial spaces and public places for establishing pop-up performance and art offerings	Supported	Create NSW / City of Sydney, Destination NSW, DPE	In progress The Department of Planning and Environment is investigating building, planning and noise controls to make it easier for business to activate places and spaces with arts and culture at night, and will release a Discussion Paper in mid-2019. In support of the Government's NTE initiative, Place Management NSW is coordinating night-time events in and around The Rocks, in collaboration with the Museum of Contemporary Art, the Sydney Opera House, Create NSW and others.
5.2 Work with stakeholders to encourage and facilitate the use of publicly owned land as well as privately owned spaces to enable the establishment of pop-up retail and food offerings	Supported	Create NSW / City of Sydney, TfNSW, OSBC, DPE	Complete Destination NSW, through the annual Vivid Festival, encourages the activation of publicly-owned land. The City of Sydney is reviewing the consultation findings from its Discussion Paper – An Open and Creative City – which includes proposals for late-night trading without requiring additional development consent. It is also reviewing the findings from consultations on its Late-Night Retail Trading Premises Development Control Plan 2007.

DIVERSITY INCLUDING ARTS AND CULTURE			
5.3 Actively promote the availability of a range of food options at night in the precincts, for example food pop-ups / food trucks, including affordable food options.	Supported-in-principle	Create NSW /City of Sydney, Destination NSW, OSBC, DPE	Complete The City of Sydney introduced the Sydney Food Trucks program in 2012, with over 30 Food Trucks now on the road and the Sydney Food Truck App well established.
6.1 Trial an increased late-night retail and non-licensed premises trading program	Supported-in-principle	DPE/OSBC, City of Sydney, TfNSW, Destination NSW, Retailers Association	In progress The City of Sydney is reviewing the consultation findings from its Discussion Paper – An Open and Creative City – which includes proposals for late night trading without requiring additional development consent. It is also reviewing the findings from consultations on its Late Night Trading Premises Development Control Plan 2007. The Department of Planning and Environment is investigating building, planning and noise controls to make it easier for business to activate places and spaces with arts and culture at night, and will release a Discussion Paper in mid-2019.
6.2 Facilitate the promotion and greater public awareness of the late-night opening of Sydney's cultural institutions	Supported	Create NSW/State Cultural Institutions and Destination NSW	Complete This is business as usual for Create NSW. The six Cultural Institutions present a diverse range of night-time events, including the hosting of contemporary and other live music performances. Create NSW is working with the Cultural Institutions to investigate options to build on the success of the 2017 Culture Up Late initiative that involved the Cultural Institutions staying open late over the summer period. Create NSW will continue to leverage existing communication platforms to promote and build on the promotion of late-night programs by the Cultural Institutions, and through the Create NSW e-news (4,000 subscribers).

<p>6.3 Identify how vacant / unused spaces in the city centre and Kings Cross could be utilised for events and activities – for example, markets, live music, light/art installations</p> <p>6.4 Work with stakeholders to promote the activation of street frontages and look at improving processes to make it easier for places to be activated through outdoor dining and/or public art</p>	<p>Supported</p>	<p>Create NSW /Destination NSW, Live Music Office, City of Sydney</p> <p>Create NSW /City of Sydney, TfNSW, DPE</p>	<p>In progress</p> <p>Complete</p>	<p>A Sydney @ Night web page is hosted by Create NSW, showcasing arts and cultural offerings in the Sydney entertainment precincts.</p> <p>The Department of Planning and Environment is investigating building, planning and noise controls to make it easier for business to activate places and spaces with arts and culture at night, and will release a Discussion Paper in mid-2019.</p> <p>The Office of the Small Business Commissioner and Service NSW are implementing an Outdoor Dining Trial in seven metropolitan and regional local government areas to make it easier to do business by streamlining the process for existing restaurants, cafes and other food-based businesses to expand seating onto the footpath. To expand the trial, the Office of the Small Business Commissioner will develop a state-wide opt-in policy, which will be released early in 2019.</p> <p>Create NSW is delivering the Metro Art Expression of Interest for the commissioning of Sydney Metro's public art for seven new metro stations, three of which are in the Sydney Entertainment Precinct.</p> <p>Vivid Sydney celebrated its tenth anniversary in 2018 and was attended by 2.25 million people across Sydney, compared to 225,000 people when it began in 2009. Vivid also generated \$172.9 million in visitor spend in 2018, an increase of almost 21% from the previous year, and attracted 284,514 domestic and international visitors.</p> <p>The Sydney Festival, which is supported by Create NSW, expanded its free offerings in 2018 to include events at Barangaroo and staged 21 days of live performances at the Meriton Village in Hyde Park. Place Management NSW is working to encourage visitation to the waterfront CBD including The Rocks and Darling Harbour outside peak times.</p>
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				<p>This includes:</p> <ul style="list-style-type: none"> • The Rocks Christmas Market in July • Providing night-time entertainment over the Christmas period • Coordinating night-time events around the harbour foreshore with the Museum of Contemporary Art, the Sydney Opera House and other cultural organisations.
<p>6.5 Identify reforms necessary to the planning laws to enable the promotion and encouragement of multi-purpose venues – i.e. book store by day, small bar by night.</p>	<p>Supported</p>	<p>DPE/City of Sydney, OSBC</p>	<p>In progress</p>	<p>The Department of Planning and Environment is investigating building, planning and noise controls to make it easier for businesses to activate places and spaces with arts and culture at night, and will release a Discussion Paper in mid-2019. The Department is also making it easier for new venues to be established, such as craft breweries and distilleries.</p>
<p>6.6 Work with stakeholders to support the night-time economy and the diverse offerings of Sydney after dark for all audiences – i.e. arts and culture, sport, entertainment, retail, hospitality</p>	<p>Supported</p>	<p>Create NSW/City of Sydney, DFSI, Live Music Office, Destination NSW</p>	<p>In progress</p>	<p>NTE Taskforce work to date includes:</p> <ul style="list-style-type: none"> • developing NSW's first Contemporary Music Strategy by the end of October 2018, working with industry groups such as APRA AMCOS, ARIA Music NSW, The Live Music Office, Sounds Australia and Sydney Fringe Festival. • continuing to consult with stakeholders in line with the Stakeholder Engagement Plan to implement the NSW Government Response, which was endorsed by the NTE Taskforce. • Continuing to investigate the 11 actions from the City of Sydney's Live Music and Performance Action Plan. <p>In addition, 32 live music venues in the CBD and Kings Cross have obtained approval to operate a later lock out and last drinks.</p> <p>An exemption to the lock out and last drinks restrictions was provided to licensed venues in the Oxford Street/Darlinghurst area for the 2018 Mardi Gras.</p>

					Extended Sunday night trading was also approved for licensed venues in parts of the Sydney CBD for three Sundays in May and June 2018 to coincide with the Vivid Festival.
7.1 Establish an integrated media / marketing campaign and program	Supported-in-principle	Create NSW/ City of Sydney, Destination NSW, L&GNSW	Complete		A media /marketing campaign has been developed and endorsed by the NTE Taskforce in 2017.
7.2 Develop and implement a social marketing campaign to achieve cultural change / education to support responsible alcohol consumption and appropriate behaviour in the precinct after dark	Supported-in-principle	L&GNSW/Health, Justice, Office of Police	Complete		A plan to support responsible alcohol consumption and appropriate behaviour in the precinct after dark has been developed, and forms part of the Media and Marketing Campaign that was endorsed by the NTE Taskforce in 2017.

END

Appendix 8 Judgement of Judge GD Woods in Andrew James Biggs v R (the Terrigal Hotel District Court Judgement)⁸⁹⁸

The Terrigal Hotel, on the New South Wales Central Coast, has a 'no rock music' condition on its liquor licence. In 2015, the hotel was prosecuted for 15 breaches of this condition. Following a conviction in the lower court, the case was heard on appeal in the District Court. The following pages reproduce the judgement from the District Court.

⁸⁹⁸ Correspondence from Mr John Wardle, Live Music Office to the secretariat, received 25 October 2018, Attachment B.

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REVISEDIN THE DISTRICT COURT
OF NEW SOUTH WALES
CRIMINAL JURISDICTION

JUDGE GD WOODS

FRIDAY 7 NOVEMBER 2014

2013/00369395 - Andrew James BIGGS v R**JUDGMENT**

HIS HONOUR: These are appeals against conviction relating to 15 matters which were dealt with by the Magistrate in the Local Court. There are 15 distinct charges against the appellant of which he was found guilty by the Magistrate. Each was in the same terms (save as to date) - that *"the licensee did fail to comply with the condition of the Terrigal Hotel liquor licence, LIQH400110014 to wit, no live/rock bands are to perform on the premises"*.

The alleged offences are listed in the documentation in terms of a sequence of matters, sequence one being a live band performance on 4 May 2013, sequence two, a week later, on 11 May, sequence three on 18 May, sequence four on 25 May, and that sequence goes on to sequence 15 which was on 27 July 2013. There were four matters in May, seven in June, (there being several performances on one night) and four offences, as the Magistrate found, in July 2013. It is not disputed that on the relevant dates the appellant was the licensee of the Terrigal Hotel under the licence nominated in the charges and it was conceded that various musicians performed at the hotel on the dates alleged.

In this appeal against conviction I have read and taken into account all the material contained in the Crown bundle as indexed, including the agreed facts and 19 written statements, liquor licence and various other e-mails and

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administrative documentation relating to the hotel. Item 19 is a record of interview with the appellant and related documentation. I have also read the transcript of oral evidence before the Magistrate. A number of the individuals who gave written statements supplemented these with oral evidence and were cross-examined. I have had the advantage of detailed written submissions of counsel as well as helpful oral submissions.

When the matter was before the learned Magistrate much attention was directed to the issue of the appellant's reasonable belief as to certain matters of fact. This was, in effect, the raising of what might be called the *Proudman v Dayman* defence, relating back to the famous judgment of his Honour, Mr Justice Dixon, as he then was, at (1941) 67 CLR 536. That defence approach has been abandoned in this appeal, quite correctly it seems to me. The question of any reasonable belief on the part of the licensee does not arise unless the offence is otherwise proven. I should say it appears to me that the licensee and those who own the hotel, and those who managed it on their behalf, were somewhat uncertain about the meaning of the condition in the licence. There was an element of distraction during the proceedings in the Lower Court, in the attention given to whether or not the licensee had one belief or another. It seems to me that the licensee and the owners of the hotel were perfectly entitled to be puzzled about the licence conditions, and they were.

The fundamental question before this Court depends on the meaning of the licence condition and its interpretation. After that question is addressed the next important question is whether or not the evidence proves the offence once the licence condition is correctly interpreted. In this case, no doubt, the licensee and the owner were enthusiastic to make as much money as they

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could from their administration of the hotel, and it may be that some of the evidence given by the licensee before the learned Magistrate gave a hint that more attention was being paid to that question than to strict compliance with the terms of the licence. But that seems to me to be a distraction. The profit motive is alive and well in our community regardless of how it may, from time to time, strike an unhappy chord with those judging or assessing evidence. In any event it seems to me that the licensee and the owners of the hotel were entitled to be puzzled about the meaning of this licence condition. What does it mean when the condition says “to wit no live/rock bands are to perform on the premises”?

The learned Magistrate interpreted the prohibition in the condition as being against the performance on the premises by a live band. That is not the interpretation which I adopt. In my view the correct approach is to focus on context and purpose. In my view the “/rock” part of the condition cannot be merely ignored. It must have been placed in the condition with some purpose in mind. The context is that the NSW **Liquor Act** (2007) and of course its predecessors sets out to balance various public interests and private interests. In this instance the purposes of the **Liquor Act** and the specific condition imposed relevant to this case suggests a desire to strike a balance between barring live music entirely so as on one hand to protect the amenity of the neighbouring community from excessive noise, and on the other hand recognising the interests of hotel customers to be entertained and the interests of school musicians to perform for their benefit. In my view this is the context in which this condition should be interpreted. In my view the reference to “rock” band is intended to indicate a prohibition directed against the performance on the premises of *live music which is excessively noisy*.

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The condition, as expressed, is not intended to prohibit *all* live band music on the premises. If that had been what was intended it could have been spelled out. It was not. In my view the correct interpretation of the condition is that it is a prohibition of performances by live bands which are rock bands and which perform rock music on the occasions alleged.

It is generally unhelpful, in an important legal document, to draft a requirement or a condition which uses the “slash” or “solidus”, as it is sometimes called, relating two or more concepts in some manner. It is common to use this grammatical device in informal context but it is very dangerous to do so in a legal context. The practice is fraught with ambiguity. I accept the observation of Mr Justice Farwell in **In Re Lewis** (1942)

1 Chancery 424 at 425,

“The expression ‘and/or’ is unfortunate. I do not think I have met it before in a will and I hope I shall never meet it again. I have however to put a meaning on it if possible”.

That is the approach I adopt here. I am obliged to put a meaning on the condition and in my view it is not impossible to do so.

What must the Crown prove to make out the offences alleged here? To prove the offences alleged the prosecution must prove (consistently with what I identify as the context and purpose of the legislation) the following matters, apart from what is admitted:

1. That the musicians playing on the nights in question constituted on each occasion a *band*.
2. That the band in each case was a *rock band*.
3. That the rock band *performed* on the premises on the night in question,
4. *as a rock band*, that is, playing *rock music*.

What is a “band”? In my view any collection of musicians more than

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three in number playing musical instruments with a common purpose is a band. A duo, an accompanying pianist and violinist for example, does not constitute a band. Geoffrey Parsons accompanying one of the great sopranos with who he used to play would have been astonished to hear himself referred to as part of a “band”. Three musicians playing together is commonly referred to as a trio. There might be circumstances where a trio arguably could be regarded as a band but further consideration of this point is not essential to my decision here. Four or more musicians, playing music together, normally will be regarded as a band.

What then is a *rock* band? A rock band is one which plays the genre of music described as “rock” music. Most members of the public have some kind of understanding about what constitutes “rock” music, but it is an area where specialised musical knowledge is admissible. There has been such evidence in this case. Sometimes of course experts will disagree with one another. The important evidence which I accept and rely on in this case, is that rock music is loud and aggressive, more of a raw style than pop music - a formula employed or accepted by Mr Drogenberg, one of the witnesses, at pp 35 and 36 of the transcript from the Local Court. Ms Cilia, another qualified musician, gave evidence to the like effect at p 12 of the transcript. I accept also the evidence of J B Wardell at transcript p 75 emphasising the heaviness of rock music. He said of the genre “they’re rough, they’re tough, they’re not compromising”. Mr Wardell was, amongst other things, a teacher at the New South Wales Conservatorium of Music.

I turn to the meaning of the word “performed”. In my view it is not sufficient for the Crown to prove merely that a *live* band performed at the hotel on the date in question. It must prove that the band was a *rock* band and that

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it performed *as such* on the night alleged. It would not be sufficient to prove that the band performed, for example, magic tricks or played Viennese waltzes. What the condition is intended to prohibit is the performance by a rock band as such performing rock music. Any other interpretation, in my view, misreads the context and purpose of the legislation and the prohibition contained in the licence.

There are of course 15 counts here. It needs to be borne in mind that the counts are separate. Each alleges performance on a particular night by a rock band. Much of the evidence given by the various musicians is a vague description of what they, or those musicians commonly do, or may do when they perform. Some of this evidence was taken from web sites as commercial material promoting various bands. However to prove the specific criminal charges here individually there must be evidence providing a basis for proof of each charge separately and related to the date in question. Vague generalisations will not suffice as specific criminal proof.

An admission by the appellant was made during the course of the hearing of the appeal and indeed before that. Mr Hatzis for the appellant conceded in the charge relating to the band "Lime Cordiale" that this band was a rock band, and that on a specific date it performed rock music at the hotel. The appeal in relation to this charge for the sequence eight offence occurring on 9 June 2013 has been withdrawn, and therefore that charge is made out. However the 14 other charges are to be analysed as follows:

On 4 May 2013 there is, in my view, no sufficient evidence to prove beyond reasonable doubt that the Adam Black band was a rock band performing rock music at the hotel on this date. I accept that the music played was probably "upbeat", not loud rock music. This charge fails.

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11 May 2013, The Labradors band played this night, there is no sufficient evidence to satisfy the Court beyond reasonable doubt that the band could properly be characterised as a rock band or that on 11 May 2013 it played any rock music. This charge fails.

18 May 2013, the Adam Black group played again at the hotel on this night. This charge fails for the same reason as relates to the date 4 May 2013.

25 May 2013 the band playing on this night was the John Smith funk band. The Crown accepts that this band was not a rock band. This charge fails.

1 June 2013, the band playing this night was the Ambah Trio. If it were a band, it was not a rock band. I accept the evidence of Ms Cilia, a Bachelor of Music, that “rock music is identifiable as being louder, more aggressive, raw, not as produced as pop music” - transcript 14 May 2014, p 12 - and that her group could not be pigeonholed as a rock band - p 15. I am not satisfied beyond reasonable doubt that this band on the night in question could properly be characterised as a rock band or that it played any rock music. This charge fails.

8 June 2013, another Saturday night, the Ambah Trio played again and for the same reason this charge fails.

9 June, the Sunday, the Iluka band played. I accept that what was played by the band on this date was soul and pop music. It was not a rock band and did not play rock music on this particular night. That charge fails in relation to the Iluka band. (That is the sequence seven offence.)

The next one, sequence eight, was the charge which has been conceded by the appellant. Lime Cordiale a rock band did play at the hotel on the Sunday and there is an admission that it was a rock band that played rock music on the occasion in question.

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15 June 2013, again The Labradors returned to play on this date, another Saturday. Once again there is no evidence sufficient to satisfy the court beyond reasonable doubt that the band could properly characterised as a rock band or that on that date did play any rock music. This charge also fails.

22 June 2013 - the Adam Black Trio played again and for reasons already stated in relation to 4 and 18 May, this charge fails.

29 June 2013, the band this night was called Flyte. I accept that this band was a “cover band playing rock music” in general, but more importantly once again there was no, or insufficient, evidence that on 29 June 2013 it acted as a rock band or played any rock music. This charge also fails.

6 July 2013 - this night a band called “Cover Up” played. I accept the evidence that despite the diversity of what this band could and often did play it would be wrong to describe the band as a “rock band” - transcript of evidence p 31. More importantly again there is no, or insufficient, evidence that it played any rock music at the hotel on 6 July 2013. This charge fails.

13 July 2013 the band “Jelly Fish” played. I accept that this band can be described as a “cover band” playing in multiple genres. There is evidence that this band can and sometimes do play rock music among other styles but there is insufficient evidence to persuade the court beyond reasonable doubt that on 13 July 2013 the band was performing rock music at the Terrigal Hotel. This charge fails.

20 July 2013. Once again The Labradors performed. The charge fails for the same reasons I explained in relation to 15 June.

27 July 2013. The Adam Black Trio performed this night and again the charge fails for the same reasons identified in relation to the 4 May performance.

The result overall is as follows:

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The appeals against conviction relating to all the charges except the sequence eight charge are upheld. All those convictions other than the sequence eight conviction are quashed and the consequential punishments are quashed.

The conviction for the sequence eight charge is confirmed as is the fine imposed for that offence.

The order made by the learned Magistrate under s 148 of the Liquor Act is quashed. In lieu thereof the licence condition is altered by the deletion of the solidus or slash from between the words “live” and “rock”. This gives effect in my view to the proper interpretation of the provision but clarifies it, and it also gives effect in my view to the proper purposes of the **Liquor Act** in the context of this hotel and this sequence of performances by various bands. It is fair and reasonable that within a built-up community, there should be regulation of the noise emanating from licensed outlets. There is also a legitimate interest in permitting skilled musicians to provide entertainment to a public willing to pay for it. A proper balance is required. In my view this judgment sets a proper balance.

If there are any questions about that there are provisions within s 148 for relevant authorities to have the matter further addressed.

Are there any further matters I need to deal with?

YOUNG: No thank you your Honour.

HATZIS: No thank you.

HIS HONOUR: Thank you very much both ends of the Bar table for the considerable and able assistance, that was provided in the course of this matter.

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Appendix 9 Minutes

Minutes no. 54

Friday 24 November 2017

Portfolio Committee No. 6 – Planning and Environment

Macquarie Room, Parliament House, Sydney, at 9.00 am

1. Members present

Mr Green, *Chair*

Mr Amato, *Deputy Chair*

Dr Faruqi

Mr Graham

Mr Mallard

Ms Sharpe

2. Apologies

Mr Mason-Cox

3. Previous minutes

Resolved, on the motion of Dr Faruqi: That minutes no.s 52 and 53 be confirmed.

4. Correspondence

The Committee noted the following items of correspondence:

Received

- 24 October 2017 – Email from Mr Tony Khoury, Waste Contractors & Recyclers Association of NSW, to secretariat providing information about an incident involving a truck carrying exhumed waste
- 26 October 2017 – Email from Ms Anthea Sargeant, Department of Planning and Environment, to secretariat, requesting a two extension for answers to questions on notice
- 26 October 2017 – Document from Witness C entitled ‘reasons for no action’
- 27 October 2017 – Email from Witness C providing additional information regarding tendered document
- 31 October 2017 – Email from Mr Barry Buffier, NSW EPA, regarding appearance at hearing on 24 November 2017
- 1 November 2017 – Correspondence from Mr Christopher Biggs, The Next Generation, to Chair, responding to right of reply
- 6 November 2017 – Email from Mr Tony Khoury, Waste Contractors & Recyclers Association of NSW, to secretariat providing information about the NSW EPA consultation concerning proposed changes to NSW environment protection legislation introducing minimum standards for managing construction waste and other improvements to waste management practices in NSW
- 22 November 2017 – Email from NSW Police Force, to secretariat, requesting that the police answers to questions on notice received on 22 November 2017 be kept confidential
- 23 November 2017 – Email from Mr Andrew O’Sullivan, to secretariat, advising that Mr Mason-Cox will not be attending the hearing on 24 November 2017.

Sent

- 24 October 2017 – Letter from the Chair to Mr Ian Malouf, Dial A Dump Industries, inviting a right to reply to submission no 393a
- 25 October 2017 – Letter from the Chair to Mr Ian Malouf, Dial A Dump Industries, thanking him for hosting the committee at the Genesis Xero Recycling Centre

- 30 October 2017 – Letter from the Chair to Mr Barry Buffier, NSW EPA, regarding invitation to appear at hearing on 24 November 2017, and pre-hearing questions
- 7 November 2017 – Letter from the Chair to Commissioner Michael Fuller, NSW Police Force, regarding invitation to appear in camera at hearing on 24 November 2017, and pre-hearing questions.

Resolved, on the motion of Mr Mallard: That the committee keep confidential the following correspondence:

- 24 October 2017 – Email from Mr Tony Khoury, Waste Contractors & Recyclers Association of NSW, to secretariat providing information about an incident involving a truck carrying exhumed waste
- 26 October 2017 – Document from Witness C entitled ‘reasons for no action’
- 27 October 2017 – Email from Witness C providing additional information regarding tendered document
- 22 November 2017 - Email from NSW Police, to secretariat, requesting that the police answers to questions on notice received on 22 November 2017 be kept confidential.

5. Inquiry into ‘energy from waste’ technology

5.1 Right of reply – The Next Generation

Resolved, on the motion of Ms Sharpe: That the committee publish correspondence from Mr Christopher Biggs, The Next Generation, to Chair, except identified excerpts due to confidentiality concerns.

5.2 *In camera* transcript

Resolved, on the motion of Mr Amato: That the *in camera* transcript from 23 October 2017 be kept confidential.

5.3 Partially confidential submission

Resolved, on the motion of Mr Mallard: That the committee authorise the publication of submission no.182b with the exception of sensitive information identified, which is to remain confidential, as per the request of the secretariat, and agreement of the author.

5.4 Report deliberative date

Resolved, on the motion of Dr Faruqi: That the committee extend the reporting date to the end of March 2018.

5.5 Answers to questions on notice

Committee noted the following answers to questions on notice were published by the committee clerk under authorisation of the resolution appointing the committee:

- Mr Barry Buffier, NSW EPA, received 1 November 2017.

Resolved, on the motion of Mr Amato: That the committee publish answers to questions on notice from:

- Ms Anthea Sargeant, Department of Planning and Environment, received 13 November 2017
- Mr Barry Buffier, NSW EPA, received 20 November 2017.

Resolved, on the motion of Mr Amato: That the committee keep confidential answers to questions on notice from:

- NSW Police Force, received 22 November 2017.

5.6 *In camera* hearing

The committee previously agreed to take *in camera* evidence from certain organisations.

The committee proceeded to take *in camera* evidence.

Persons present other than the committee: Ms Teresa McMichael, Ms Kate Mihaljek, Ms Monica Loftus, and Hansard reporters.

The following witness was sworn and examined:

- Witness D

Resolved on the motion of Mr Graham: That Witness D be shown confidential 'Document 2, diagram' tendered by Witness C at the in camera hearing on 23 October 2017.

The evidence concluded and the witnesses withdrew.

Resolved, on the motion of Ms Sharpe: That a representative from the Waste Strategy Unit at the NSW EPA, be allowed to attend the next *in camera* session of the hearing.

The Chair noted that Mr Buffier did not need to be sworn as he had already sworn an oath at an earlier hearing for this inquiry

The following witness was sworn:

- Mr Mark Gifford, Chief Environmental Regulator, NSW Environment Protection Authority.

Mr Buffier and Mr Gifford were examined.

Mr Buffier tendered the following document:

- Document A

The evidence concluded and the witnesses withdrew.

5.7 Public hearing

Witnesses, the public and the media were admitted.

The Chair noted that Mr Buffier and Mr Gifford did not need to be sworn as they had already sworn an oath at an earlier hearing for this inquiry.

Mr Buffier tendered the following document:

- MLA Waste Tracking System.

The evidence concluded and the witnesses withdrew.

The public and the media withdrew.

5.8 Tendered documents

Resolved, on the motion of Mr Mallard: That the committee accept and publish the following documents tendered during by Mr Buffier during the public hearing:

- MLA Waste Tracking System.

6. Inquiry into Budget Estimates 2017-2018

6.1 Report deliberative

Resolved, on the motion of Mr Mallard: That:

The draft report be the report of the committee and that the committee present the report to the House;

The transcripts of evidence, tabled documents, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry be tabled in the House with the report;

Upon tabling, all unpublished transcripts of evidence, tabled documents, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry, be published by the committee, except for those documents kept confidential by resolution of the committee;

The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;

That the report be tabled on Wednesday 29 November 2017.

7. Inquiry into the music and arts economy in New South Wales

7.1 Terms of reference

The committee to note the following terms of reference referred by the House on 23 November 2017:

That Portfolio Committee No. 6 - Planning and Environment inquire into and report on the music and arts economy in New South Wales, including regional New South Wales, and in particular:

- (a) progress on the implementation of the Government response to the New South Wales Night-Time Economy Roundtable Action Plan,
- (b) policies that could support a diverse and vibrant music and arts culture across New South Wales,
- (c) policies that could support the establishment and sustainability of permanent and temporary venue spaces for music and for the arts,
- (d) policy and legislation in other jurisdictions, and options for New South Wales including red tape reduction and funding options, and
- (e) any other related matter.

7.2 Closing date for submissions

Resolved, on the motion of Ms Sharpe: That the closing date for submissions be 28 February 2018.

7.3 Stakeholder list

Resolved, on the motion of Ms Sharpe: That the secretariat circulate to members the Chair's proposed list of stakeholders to provide them with the opportunity to amend the list or nominate additional stakeholders, and that the committee agree to the stakeholder list by email, unless a meeting of the committee is required to resolve any disagreement.

7.4 Advertising

The committee noted that it is standard practice is to advertise all inquiries via twitter, stakeholder letters and a media release distributed to all media outlets in New South Wales.

It is no longer standard practice to advertise in the print media.

Resolved, on the motion of Mr Mallard: That the inquiry be advertised on a live music website.

7.5 Hearing dates

Resolved, on the motion of Ms Sharpe: That hearing dates be determined by the Chair after consultation with members regarding their availability.

8. Adjournment

The committee adjourned at 12.12 pm, *sine die*

Kate Mihaljek
Committee Clerk

Minutes no. 55

Tuesday 13 February 2018
Portfolio Committee No. 6 – Planning and Environment
Macquarie Room, Parliament House, Sydney, at 12.52 pm

1. Members present

Mr Green, *Chair*
Mr Mallard, *Deputy Chair*
Dr Faruqi
Mr Graham (from 12.58 pm)
Mr Martin
Mr Mason-Cox
Ms Sharpe

2. Election of the Deputy Chair

The Chair called for nominations for Deputy Chair.

Mr Martin moved: That Mr Mallard be elected Deputy Chair of the Committee.

There being no further nominations, the Chair declared Mr Mallard elected Deputy Chair.

3. Previous minutes

Resolved, on the motion of Ms Sharpe: That minutes no. 54 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received

- 24 November 2017 – Email from Ms Sheena Graham, on behalf of Mr Barry Buffier, NSW EPA advising of a correction to response to Question 3 of the NSW EPA answers to questions on notice received on 20 November 2017
- 27 November 2017 – Email from Mr Tony Khoury, Waste Contractors and Recyclers Association of NSW, to secretariat, notifying the committee of an accident involving a truck transporting waste, and indicating that Mr Khoury could speak to the committee about this issue
- 28 November 2017 – Email from NSW Police, to secretariat, advising that they would like the *in camera* transcript sent via email
- 28 November 2017 – Email from Ms Sheena Graham, NSW EPA, on behalf of, Mr Barry Buffier, NSW EPA, advising that he would like the *in camera* transcript sent via email
- 29 November 2017 – Email from Witness C, to secretariat, regarding phone conversation on 28 November 2017
- 29 November 2017 – Email from Witness C, to secretariat, regarding information concerning a speech from former Minister for the Environment Robyn Parker
- 30 November 2017 – Letter from the Hon Don Harwin MLC, Minister for Resources, Minister for Energy and Utilities, Minister for the Arts, Vice-President of the Executive Council, to the Clerk of the Parliaments, advising of appointments to Government positions on Legislative Council committees
- 1 December 2017 – Email from Witness C, to secretariat, suggesting additional questions on notice to NSW EPA
- 6 December 2017 – Email from Witness C, to secretariat, providing response to NSW EPA answers to questions on notice received on 20 November 2017
- 6 December 2017 – Email from Witness C, to secretariat, forwarding a third party's response to NSW EPA answers to questions on notice received on 20 November 2017
- 20 December 2017 – Email from Witness C, to secretariat, advising that NSW EPA staff may be aware of his identity
- 6 February 2018 – Email from Witness C, to secretariat, forwarding information from a third party from within the EPA, about the EPA's answers to questions on notice, including in relation to the waste levy.

Resolved, on the motion of Dr Faruqi: That the committee keep confidential the following correspondence:

- 29 November 2017 – Email from Witness C, to secretariat, regarding phone conversation on 28 November 2017
- 29 November 2017 – Email from Witness C, to secretariat, regarding information concerning a speech from former Minister for the Environment Robyn Parker
- 1 December 2017 – Email from Witness C, to secretariat, suggesting addition questions on notice to NSW EPA
- 6 December 2017 – Email from Witness C, to secretariat, providing response to NSW EPA answers to questions on notice received on 20 November 2017
- 6 December 2017 – Email from Witness C, to secretariat, forwarding a third party's response to NSW EPA answers to questions on notice received on 20 November 2017
- 20 December 2017 – Email from Witness C, to secretariat, advising that NSW EPA staff may be aware of his identity

- 6 February 2018 – Email from Witness C, to secretariat, forwarding information from a third party from within the EPA, about the EPA’s answers to questions on notice, including in relation to the waste levy.

5. Inquiry into ‘energy from waste’ technology

5.1 Confidential tendered document

Resolved, on the motion of Mr Mason-Cox: That the committee keep confidential Document A received from the NSW EPA on 24 November 2017.

5.2 Answers to questions on notice

The committee noted that the following answers to questions on notice had been published:

- answers to questions on notice from Mr Mark Gifford, NSW EPA, received 21 December 2017.
Resolved, on the motion of Mr Mallard: That the committee keep confidential the following answers to questions on notice:
- answers to questions on notice from Mr Mark Gifford, NSW EPA, received 21 December 2017
- answer to supplementary question on notice from Mr Mark Gifford, NSW EPA, received 21 December 2017.

5.3 Return of answers to questions on notice and supplementary questions

Resolved, on the motion of Mr Mallard: That any answers to questions on notice and supplementary questions arising from the *in camera* hearing on 13 February 2018 be requested to be provided by Wednesday 28 February 2018.

5.4 *In camera* hearing

Resolved, on the motion of Mr Mallard: That the committee proceed to take evidence from Witnesses E, F and G *in camera*.

The committee proceeded to take *in camera* evidence.

Persons present other than the committee: Ms Sharon Ohnesorge, Ms Kate Mihaljek, Ms Monica Loftus, Ms Jenelle Moore, and Hansard reporters.

The following witnesses were sworn and examined:

- Witness E
- Witness F
- Witness G

Witness G tendered the following document:

- Document A – Regulation of industry by the EPA
- Document B – Information from a third party
- Document C – Information from a third party
- Document D – Information from a third party
- Document E – Information from a third party.

The evidence concluded and the witnesses withdrew.

5.5 Tendered documents

Resolved, on the motion of Mr Mason-Cox: That the committee accept and keep confidential the following documents tendered during the *in camera* hearing:

- Document A – Regulation of industry by the EPA
- Document B – Information from a third party
- Document C – Information from a third party
- Document D – Information from a third party

- Document E – Information from a third party.

6. Music and arts economy

Resolved, on the motion of Mr Graham: The secretariat draft a proposed schedule of activities for the inquiry, and circulate this to members.

7. Adjournment

The committee adjourned at 1.38 pm, until Monday 19 March 2018, Room 1254 (report deliberative meeting for inquiry into ‘energy from waste’ technology).

Kate Mihaljek

Committee Clerk

Minutes no. 56

Monday 19 March 2018

Portfolio Committee No. 6 – Planning and Environment

Room 1254, Parliament House, Sydney, at 9.36 am

1. Members present

Mr Green, *Chair*

Mr Mallard, *Deputy Chair*

Dr Faruqi

Mr Graham

Mr Martin

Mr Mason-Cox

Ms Sharpe

2. Minutes

Resolved, on the motion of Mr Mallard: That draft minutes no. 55 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received:

- 12 February 2018 – Email from NSW Police, to secretariat, regarding *in camera* evidence that may be included in the energy from waste technology report
- 13 February 2018 – Email from Witness E, to secretariat, providing a document from a third party
- 13 February 2018 – Email from Witness E, to secretariat, advising that they would like the *in camera* transcript sent via email
- 14 February 2018 – Email from NSW Police, to secretariat, regarding *in camera* evidence that may be included in the energy from waste technology report
- 15 February 2018 – Email from Ms Genelle Watkins, Create NSW, to secretariat, regarding the agency’s submission to the inquiry into the music and arts economy
- 19 February 2018 – Email from Witness C, to secretariat, regarding *in camera* evidence that may be included in the energy from waste technology report
- 20 February 2018 – Email from Witness G, to secretariat, regarding *in camera* evidence that may be included in the energy from waste technology report, and reiterating request to remain unidentified
- 20 February 2018 – Email from Ms Genelle Watkins, Create NSW, to secretariat, advising that the Create NSW submission to the inquiry into the music and arts economy will be submitted on 7 March 2018

- 20 February 2018 – Email from Witness C, to secretariat, regarding *in camera* evidence that may be included in the energy from waste technology report
- 21 February 2018 – Email from Witness C, to secretariat, advising that a waste company is buying certain facilities
- 21 February 2018 – Email from Ms Genelle Watkins, Create NSW, to committee, requesting a further extension for its preliminary submission to the inquiry into the music and arts economy
- 22 February 2018 – Mr Justin Field MLC, The Greens, to secretariat, advising that Ms Dawn Walker MLC is substituting for Mr Jeremy Buckingham MLC for the duration of the inquiry into the music and arts economy
- 27 February 2018 – Email Mr Mark Gifford, NSW EPA, to secretariat, regarding *in camera* evidence that may be included in the energy from waste technology report
- 27 February 2018 – Email Mr Tony Khoury, Waste Contractors and Recyclers Association of New South Wales, to secretariat, providing clip of radio interview concerning media article about the transfer of waste interstate
- 9 March 2018 – The Hon Natasha Maclaren-Jones MLC, Government Whip, to secretariat, advising that the Hon Catherine Cusack MLC is substituting for the Hon Matthew Mason-Cox MLC for the duration of the inquiry into the music and arts economy.

Sent

- 12 February 2018 – Email from secretariat to NSW EPA, identifying possible *in camera* evidence that may be included the energy from waste technology report
- 12 February 2018 – Email from secretariat to NSW Police Force, identifying possible *in camera* evidence that may be included the energy from waste technology report
- 12 February 2018 – Email from secretariat to Witness C, identifying possible *in camera* evidence that may be included the energy from waste technology report
- 15 February 2018 – Email from secretariat to Witness E, identifying possible *in camera* evidence from Witness G that may be included the energy from waste technology report
- 20 February 2018 – Email from secretariat, to Witness C, regarding *in camera* evidence that may be included the energy from waste technology report
- 20 February 2018 – Email from secretariat, to Witness G, Witness E and Witness F, regarding *in camera* evidence that may be included the energy from waste technology report
- 21 February 2018 – Email from secretariat to Ms Genelle Watkins, Create NSW, noting that the agency's preliminary submission to the inquiry into the music and arts economy should be provided as close as possible to 7 March 2018
- 12 March 2018 – Email from secretariat to Ms Genelle Watkins, Create NSW confirming advice regarding the agency's final submission to the inquiry into the music and arts economy.

Resolved, on the motion of Mr Mallard: That the committee keep confidential the following correspondence:

- 12 February 2018 – Email from secretariat to NSW EPA, identifying possible *in camera* evidence that may be included the energy from waste technology report
- 12 February 2018 – Email from secretariat to NSW Police Force, identifying possible *in camera* evidence that may be included the energy from waste technology report
- 12 February 2018 – Email from secretariat to Witness C, identifying possible *in camera* evidence that may be included the energy from waste technology report
- 12 February 2018 – Email from NSW Police, to secretariat, regarding *in camera* evidence that may be included the energy from waste technology report
- 13 February 2018 – Email from Witness E, to secretariat, providing a document from a third party
- 13 February 2018 – Email from Witness E, to secretariat, advising that they would like the *in camera* transcript sent via email
- 14 February 2018 – Email from NSW Police, to secretariat, regarding *in camera* evidence that may be included the energy from waste technology report

- 15 February 2018 – Email from secretariat to Witness E, identifying possible *in camera* evidence from Witness G that may be included the energy from waste technology report
- 19 February 2018 – Email from Witness C, to secretariat, regarding *in camera* evidence that may be included the energy from waste technology report
- 20 February 2018 – Email from secretariat, to Witness C, regarding *in camera* evidence that may be included the energy from waste technology report
- 20 February 2018 – Email from Witness G, to secretariat, regarding *in camera* evidence that may be included the energy from waste technology report, and reiterating request to remain unidentified
- 20 February 2018 – Email from secretariat, to Witness G, Witness E and Witness F, regarding *in camera* evidence that may be included the energy from waste technology report
- 20 February 2018 – Email from Witness C, to secretariat, regarding *in camera* evidence that may be included the energy from waste technology report
- 21 February 2018 – Email from Witness C, to secretariat, advising that a waste company is buying certain facilities
- 27 February 2018 – Email Mr Mark Gifford, NSW EPA, to secretariat, regarding *in camera* evidence that may be included the energy from waste technology report.

4. Inquiry into ‘energy from waste’ technology

4.1 Partially confidential submissions

Resolved, on the motion of Mr Mason-Cox: That the committee keep names and/or identifying and sensitive information, and potential adverse mention, confidential, as per the request of the author and/or the recommendation of the secretariat, in submission nos. 388-392.

4.2 Answers to questions on notice

Resolved, on the motion of Mr Mason-Cox: That the committee keep confidential the following answers to questions on notice:

- answers to questions on notice from Witnesses E, F and G, received 26 February 2018.

4.3 Consideration of Chair’s draft report

The Chair submitted his draft report entitled ‘Energy from waste technology’ which, having been previously circulated, was taken as being read.

Key issues

Resolved, on the motion of Dr Faruqi: That paragraph 5 be amended by omitting ‘Overall, the committee supports the use of energy from waste technologies as a means of energy recovery and as an alternative to waste disposal. We have made a number of recommendations to enhance the regulation of energy from waste in New South Wales, including ensuring the NSW EPA’s *Energy Recovery Facility Guidelines* are appropriately robust, particularly with regard to the emissions regime and social licence requirements for proposed facilities’ and the following new sentences be inserted instead:

‘Overall the committee believes some energy from waste technologies as means of energy recovery may be appropriate in some circumstances, but only after a significant shift up the waste hierarchy to avoid, reduce and reuse waste and the issues of social licence, air pollution impacts and health risks have been addressed’.

Chapter 1

Resolved, on the motion of Dr Faruqi: That paragraph 1.2 be amended by inserting ‘Currently, New South Wales is the second highest per capita producer of waste in the world’. [FOOTNOTE: Evidence, Mr Barry Buffier, Chair and Chief Executive, NSW EPA, 24 November 2017, p 7] after ‘During this period, New South Wales generated about 19 million tonnes of waste.’

Resolved, on the motion of Ms Sharpe: That paragraph 1.3 be amended by inserting at the end: ‘Stakeholders also raised the issue of the growing interstate movement of waste and the impact this is also having on recycling rates’.

Resolved, on the motion of Dr Faruqi: That the following new paragraph be inserted after paragraph 1.30:

‘An alternate view offered by the National Toxics Network was that although the European Union is often held up as the world’s best standard for incinerator operation, it has recently declared a major policy redirection on waste management and the waste to energy incinerator sector in line with the major commitments to a circular economy. This has resulted in a recommendation issued to members to stop the construction of new incinerators and to decommission existing facilities’. [FOOTNOTE: Submission 172, National Toxics Network, p 5]

Dr Faruqi moved: That paragraph 1.34 be amended by omitting ‘there is an opportunity for energy from waste to play a role in diverting waste from landfill in the future’ and inserting instead ‘there may be a role for energy from waste after higher order waste reduction methods have been fully implemented’.

Question put.

The committee divided.

Ayes: Dr Faruqi, Mr Graham, Ms Sharpe.

Noes: Mr Green, Mr Mallard, Mr Martin, Mr Mason-Cox.

Question resolved in the negative.

Resolved, on the motion of Dr Faruqi: That paragraph 1.35 be amended by omitting:

‘We also recognise that many plants are within heavily urbanised areas, making it unlikely that siting requirements such as a buffer or exclusionary zone are in place in those jurisdictions, as is the case in New South Wales’.

Chapter 2

Resolved, on the motion of Ms Sharpe: That the following sentence and table be inserted after paragraph 2.7: ‘The table below sets out the waste and environmental levy revenues, and expenditures on environmental programs, for the past five years’.

Table 1: Waste and environmental levy revenues, and expenditures on environmental programs, for the past five years

Item/Program (\$m)	2012/13	2013/14	2014/15	2015/16	2016/17 (unaudited)
Revenue:					
Total Waste Revenues	\$483.3	\$503.6	\$568.5	\$692.1	\$659.5
Program Expenditure:					
Waste and Regulatory programs	\$61.7	\$76.9	\$111.1	\$100.0	\$91.0
Other Environmental programs	\$61.5	\$90.0	\$95.9	\$90.1	\$88.8
Total Expenditure	\$123.2	\$166.9	\$207.0	\$190.1	\$179.9

[FOOTNOTE: Answers to question on notice, NSW EPA, 27 July 2017, p 1.]

Resolved, on the motion of Ms Sharpe: That paragraph 2.13 be amended by omitting ‘Overall’ before ‘the committee supports the retention of the waste levy.’

Resolved, on the motion of Dr Faruqi: That paragraph 2.14 be amended by inserting 'including waste avoidance, minimisation and re-use programs' before 'and waste recovery infrastructure in New South Wales'.

Resolved, on the motion of Mr Graham: That the following new committee comment and recommendations be inserted after paragraph 2.30:

'Committee comment

The committee notes that as at October 2016, the Waste Less, Recycle More initiative had only spent \$292 million of its \$465 million allocation. That is, less than two thirds of the allocated funding had been spent. This is a major under-allocation for a significant initiative. This is doubly concerning given the NSW EPA has given evidence that it considers this program vital to the state meeting its waste targets. The committee recommends that the NSW Government ensure all funds allocated to the Waste Less, Recycle More program be spent in accordance with the program. We also recommend that the NSW EPA undertake an audit of the Waste Less, Recycle More initiative to ensure that the funds are fully expended to meet the objectives of the program.

Recommendation X

That the NSW Government ensure that all funds allocated to the Waste Less, Recycle More program be fully expended in accordance with the program.

Recommendation X

That the New South Wales Environment Protection Authority undertake an audit of the Waste Less, Recycle More program to ensure that the funds are fully expended to meet the objectives of the program'.

Resolved, on the motion of Ms Sharpe: That paragraph 2.36 be amended by omitting 'unduly burdened' and inserting instead 'impacted heavily'.

Resolved, on the motion of Mr Graham: That the following new committee comment be inserted before paragraph 2.68:

'Committee comment

The first step in an effective allocation of the money from the waste levy is for the NSW EPA to fully expend the money that is allocated to the Waste Less, Recycle More initiative'.

Ms Sharpe moved: That paragraph 2.69 and Recommendation 2 be amended by omitting 'hypothecate 100 per cent of' and inserting instead 'substantially increase'.

Question put.

The committee divided.

Ayes: Dr Faruqi, Mr Graham, Ms Sharpe.

Noes: Mr Green, Mr Mallard, Mr Martin, Mr Mason-Cox.

Question resolved in the negative.

Resolved, on the motion of Dr Faruqi: That paragraph 2.69 and Recommendation 2 be amended by inserting 'and environmental programs' after 'to provide waste management services'.

Resolved, on the motion of Dr Faruqi: That paragraph 2.69 and Recommendation 2 be amended by inserting 'including waste reduction, avoidance and re-use programs' after 'waste management services'.

Resolved, on the motion of Ms Sharpe: That the following new committee comment be inserted after paragraph 2.71:

'Committee comment

The committee is alarmed that the NSW EPA has failed to address this critical issue for a number of years, thereby exacerbating, and even encouraging, the transportation of waste to Queensland, and undermining New South Wales revenue by hundreds of millions of dollars'.

Resolved, on the motion of Ms Shape: That recommendation 4 be omitted: ‘That the NSW Environment Protection Authority investigate whether attaching the waste levy to the waste generator is a viable option in New South Wales’, and the following new recommendation be inserted instead:

‘That the NSW Government urgently consider attaching the waste levy to the waste generator in New South Wales, particularly for large waste generators or operators of large sites.’

Chapter 3

Resolved, on the motion of Mr Graham: That paragraph 3.15 be amended by inserting ‘each’ after ‘local government areas’

Resolved, on the motion of Dr Faruqi: That paragraph 3.17 be amended by omitting ‘illegally’ before ‘dump’ and inserting ‘and stockpile’ before ‘waste’ in dot point 3.

Resolved, on the motion of Mr Graham: That paragraph 3.34 be amended by inserting ‘amongst other issues’ after ‘the agency’s efforts are being hampered by the inherent difficulty of gathering suitable evidence to pursue legal action’.

Resolved, on the motion of Mr Graham: That paragraph 3.36 be amended by inserting ‘The committee acknowledges that as the levy has increased over time, so have the incentives to dump illegally’ after ‘Rather, a confluence of social and economic factors emboldens individuals and organisations to pursue this type of unlawful activity’.

Resolved on the motion of Mr Mason-Cox: That paragraph 3.36 and Recommendation 6 be amended by omitting ‘as soon as practicable’ after ‘that the NSW Government amend’.

Resolved, on the motion of Mr Graham: That the following new committee comment be inserted after paragraph 3.36:

‘Committee comment

The committee notes the reports from local government that this behaviour has increased. We note that of the funds allocated to the Waste Less, Recycle More initiative to July 2016, only \$8.7 million were spent on illegal dumping. The committee also notes that in 2016-2017, the average fine following the 11 successful waste prosecutions was less than \$40,000. The NSW EPA also gave evidence that the costs of illegal dumping run to millions of dollars per year. The committee therefore recommends that the NSW Government allocate additional resources to support the policing of illegal dumping’.

Resolved, on the motion of Mr Graham: That the following new recommendation be inserted after Recommendation 6:

‘Recommendation X

That the NSW Government allocate additional resources to support the policing of illegal dumping’.

Resolved on the motion of Mr Graham: That paragraph 3.37 be amended by inserting at the end: ‘The committee recommends that the NSW EPA strengthen its liaison with NSW Police when it comes to illegal activity in the waste sector, with formal protocols made public, and specifying the channels through which this liaison occurs.’

Resolved, on the motion of Mr Graham: That the following new recommendation be inserted after paragraph 3.37:

‘Recommendation X

That the NSW Environment Protection Authority strengthen its liaison with NSW Police when it comes to illegal activity in the waste sector, with formal protocols made public, and specifying the channels through which this liaison occurs.

Resolved, on the motion of Dr Faruqi: That paragraph 3.38 and Recommendation 7 be amended by inserting ‘and expand the number of’ after ‘The committee recommends that the NSW Government allocate additional resources to’.

Resolved, on the motion of Mr Mason-Cox: That paragraph 3.39 be amended to omit 'it is surprising' and inserting instead 'it is unacceptable'.

Resolved, on the motion of Mr Mason-Cox: That paragraph 3.39 and Recommendation 8 be amended by:

- a) omitting 'investigate how' and inserting instead 'immediately increase the use of' after 'that the NSW Environment Protection Authority'
- b) omitting 'can be used' before 'to prevent illegal dumping'.

Chapter 4

Resolved, on the motion of Ms Sharpe: That paragraph 4.27 be amended by inserting 'with stakeholders estimating that the loss could be upwards of \$100 million per year' after 'for the NSW Government'.

Resolved, on the motion of Ms Sharpe: That paragraph 4.33 be amended by omitting 'There was a court challenge on that issue' before 'We formed the view'.

Resolved, on the motion of Ms Sharpe: That paragraph 4.42 be amended by:

- a) omitting 'with very limited' and inserting instead 'with no'
- b) inserting at the end: 'Figures show that the amount of waste being transferred interstate is growing'.

Chapter 5

Resolved, on the motion of Dr Faruqi: That paragraph 5.4 be amended by omitting 'recycling and' before 'waste diversion targets' in dot point 10.

Resolved, on the motion of Dr Faruqi: That paragraph 5.6 be amended by inserting 'only after a significant shift up the waste hierarchy to avoid, reduce and reuse waste and the issues of social license, air pollution impacts and health risks have been addressed' after 'one component of this solution'.

Resolved, on the motion of Dr Faruqi: That paragraph 5.9 be amended by inserting after 'standards and outcomes':

'The National Toxics Network expressed concern about the emergence of the New South Wales Energy from Waste Policy Statement as it seemed to appear out of nowhere and without a robust community debate. They considered it a flawed policy with internal inconsistencies including a lack of key guidance material and inadequate provisions for managing air pollution and toxic ash produced by waste incinerators'.

[FOOTNOTE: Evidence, Ms Jo Immig, Coordinator, National Toxics Network, 27 June 2017, p 35]

Resolved, on the motion of Dr Faruqi: That paragraph 5.10 be amended by:

- a) omitting 'There was consensus among' before 'inquiry participants'
- b) inserting 'highlighted' after 'inquiry participants'.

Resolved, on the motion of Dr Faruqi: That the following new paragraph be inserted after paragraph 5.29:

'Dr James Whelan from Environmental Justice Australia provided evidence that there are no enforceable national standards for criteria pollutants, which include fine particle pollution PM2.5 or coarse particles PM10.'

[FOOTNOTE: Evidence, Dr James Whelan, Researcher and Community Organiser, Environmental Justice Australia, 17 August 2017, p 27]

Resolved, on the motion of Ms Sharpe: That paragraph 5.48 be amended by inserting at the end: 'and in communities'.

Resolved, on the motion of Dr Faruqi: That paragraph 5.49 be amended by inserting 'in some circumstances' after 'While the committee supports the use of residual waste for energy from waste facilities'.

Resolved, on the motion of Mr Mason-Cox: That paragraph 5.54 be amended by:

- a) omitting ‘gaining a social licence’ and inserting instead ‘gaining community support’ before ‘is essential for any proponent’
- b) omitting ‘receive the social licence necessary’ and inserting instead ‘receive the necessary approvals and community support’.

Resolved, on the motion of Mr Mason-Cox: That Recommendation 14 be amended by omitting ‘receive the social licence necessary’ and inserting instead ‘receive the necessary approvals and community support’.

Resolved, on the motion of Dr Faruqi: That paragraph 5.55 and Recommendation 15 be amended by inserting ‘in addition to the full Environmental Impact Statement’ after ‘department’s website’.

Resolved, on the motion of Ms Sharpe: That the following new committee comment be inserted after paragraph 5.55:

‘Committee comment

Given the significant concerns in relation to energy from waste technology and the impact of emissions on air quality there needs to be a much more detailed assessment of the issues surrounding this technology and its use in New South Wales. The committee recommends NSW Government establish an expert advisory body on energy from waste chaired by the Chief Scientist to examine and report on the energy from waste regulatory framework, to create certainty for the market and communities’.

Resolved, on the motion of Ms Sharpe: That the following new recommendation be inserted after the new committee comment inserted after paragraph 5.55:

‘Recommendation X

That the NSW Government establish an expert advisory body on energy from waste chaired by the Chief Scientist to examine and report on the energy from waste regulatory framework to create certainty for the market and communities, with particular reference to:

- changes required to the *Energy from Waste Recovery Guidelines* to guarantee that New South Wales uses only world’s best practices in emissions, emissions monitoring and residual waste disposal
- consent conditions required in any planning approval to guarantee that New South Wales uses only world’s best practices in emissions, emissions monitoring and residual waste disposal
- the impact of energy from waste on human health
- the impact of energy from waste on recycling targets’.

Dr Faruqi moved: That the following new recommendation be inserted after Recommendation 15:

‘Recommendation X

That the NSW Government enact legislation that bans energy from waste incinerators within at least 15 kilometres from areas zoned for residential use’.

Question put.

The committee divided.

Ayes: Dr Faruqi.

Noes: Mr Graham, Mr Green, Mr Mallard, Mr Martin, Mr Mason-Cox, Ms Sharpe.

Question resolved in the negative.

Dr Faruqi moved: That the following new recommendation be inserted after Recommendation 15:

‘Recommendation X

That in recognition of opportunities to avoid, minimise and reduce waste through measures higher in the waste hierarchy, that a moratorium be enacted on new energy from waste incinerator proposals.’

Question put.

The committee divided.

Ayes: Dr Faruqi, Mr Graham, Ms Sharpe.

Noes: Mr Green, Mr Mallard, Mr Martin, Mr Mason-Cox.

Question resolved in the negative.

Resolved, on the motion of Ms Sharpe: That the following new committee comment be inserted after Recommendation 15:

‘Committee comment

Given the particular topography of the Sydney Basin and the trapping of air pollution within the basin, the committee believes that the pressure on air quality should be considered when assessing energy from waste incinerator proposals.’

Ms Sharpe moved: that the following new recommendation be inserted after the new committee comment inserted after Recommendation 15:

‘Recommendation X

That the government enact legislation to ban energy from waste incinerators within the Sydney basin and impose a moratorium on any new incinerator proposal until a more detailed examination is done by an expert advisory body chaired by the Chief Scientist.’

Question put.

The committee divided.

Ayes: Dr Faruqi, Mr Graham, Ms Sharpe.

Noes: Mr Green, Mr Mallard, Mr Martin, Mr Mason-Cox.

Question resolved in the negative.

Chapter 6

Resolved, on the motion of Ms Sharpe: That paragraph 6.5 be amended by inserting ‘and is part of the Dial A Dump Industries Group’ after ‘The Next Generation is a wholly owned subsidiary of the Alexandria Landfill Corporate Group’.

Resolved, on the motion of Dr Faruqi: That paragraph 6.29 be amended by omitting:

‘In summary, we believe the technology – that is moving grate combustion – is sound, and agree that thermal waste disposal options should be included in the policy mix. However, the committee is left short of being convinced that this the right technology in the right place, even just for Stage 1 of the project’ after ‘Based on this evidence, as things currently stand, the committee does not support the development of this project’.

Mr Mason-Cox moved: That paragraph 6.29 be omitted: Inquiry participants’ specific concerns about the project are outlined throughout this chapter, as is the proponent’s response. Based on this evidence, as things currently stand, the committee does not support the development of this project. The proponent has not provided an adequate reference facility to demonstrate that the technology can adequately process the proposed fuel. Additionally, the proponent has provided inconsistent evidence about the project, particularly around key concerns including size, feedstock and emissions, and has failed to gain the social licence for the project to proceed. These issues are discussed in detail below’, and that the following new paragraph be inserted instead:

‘The committee acknowledges that The Next Generation proposal is currently undergoing a rigorous and comprehensive approval process prior to a decision being made to refer the project to the Planning Assessment Commission for an independent determination.’

The committee does not wish to pre-empt this process but acknowledges the overwhelming public opposition to this project proceeding as currently proposed.’

Question put.

The committee divided.

Ayes: Mr Martin, Mr Mason-Cox.

Noes: Dr Faruqi, Mr Graham, Mr Green, Mr Mallard, Ms Sharpe.

Question resolved in the negative.

Dr Faruqi moved: That Recommendation 16 be amended by:

- a) omitting ‘subject to further investigations’ before ‘the NSW Government not approve the energy from waste facility proposed’
- b) omitting ‘at this time’ after ‘the NSW Government not approve the energy from waste facility proposed by The Next Generation at Eastern Creek’.

Question put.

The committee divided.

Ayes: Dr Faruqi, Mr Graham, Ms Sharpe.

Noes: Mr Green, Mr Mallard, Mr Martin, Mr Mason-Cox.

Question resolved in the negative.

Resolved, on the motion of Mr Mallard: That Recommendation 16 be amended by:

- a) omitting ‘That, subject to further investigations, the NSW Government’ and inserting instead ‘That, subject to the current assessment process being conducted by the NSW Department of Planning and Environment, the NSW Government’
- b) omitting ‘at this time’ after ‘The Next Generation at Eastern Creek’.

Mr Mason-Cox moved: That paragraph 6.30 and Recommendation 16, as amended, be omitted: ‘The committee recommends that, subject to further investigations, the NSW Government not approve the energy from waste facility proposed by The Next Generation at Eastern Creek at this time.’

Recommendation 16

That, subject to the current assessment process being conducted by the NSW Department of Planning and Environment, the NSW Government not approve the energy from waste facility proposed by The Next Generation at Eastern Creek’.

Question put.

The committee divided.

Ayes: Mr Mason-Cox.

Noes: Dr Faruqi, Mr Graham, Mr Green, Mr Mallard, Mr Martin, Ms Sharpe.

Question resolved in the negative.

Mr Mason-Cox moved: That paragraph 6.29 be amended by omitting ‘and has failed to gain the social licence’ and inserting instead ‘and has failed to gain the community support’ before ‘for the project to proceed’.

Question put.

The committee divided.

Ayes: Mr Green, Mr Mallard, Mr Martin, Mr Mason-Cox.

Noes: Dr Faruqi, Mr Graham, Ms Sharpe.

Question resolved in the affirmative.

Mr Mason-Cox moved: That:

- a) the level 1 heading before paragraph 6.31 be amended by omitting 'Social licence' and inserting instead 'Community support'
- b) the term 'social licence' be put in inverted commas where it appears in paragraphs 6.31 to 6.45.

Question put.

The committee divided.

Ayes: Mr Green, Mr Mallard, Mr Martin, Mr Mason-Cox.

Noes: Ms Sharpe, Dr Faruqi, Mr Graham.

Question resolved in the affirmative.

Resolved, on the motion of Dr Faruqi: That paragraph 6.43 be amended by:

- a) omitting 'The Next Generation may have done itself a disservice by failing to adequately engage' and inserting instead 'The Next Generation has failed to adequately engage' before 'with the local community'
- b) omitting 'as noted by Dr Marc Stammbach' after 'the local community regarding its proposed energy from waste facility'
- c) omitting 'Perhaps the company's assertion that there has not been a private infrastructure proposal which has had such extensive community consultation is true. However, because stakeholders have not felt that this engagement is genuine, these efforts have been ineffective, to say the least' at the end.

Resolved on the motion of Ms Sharpe: That paragraph 6.56 be omitted: 'In hindsight, it may have been in the proponent's best interest to have conducted more thorough community engagement and to have initially applied for a smaller facility to garner the social licence to operate the facility in that particular location', and the following new paragraph be inserted instead:

'The committee notes the concerns of the stakeholders that raised issues associated with the topographic structure of the Sydney Basin and the challenges of trapped air pollution within it. The Next Generation proposal could add substantially to the challenges of managing air pollution across Sydney.'

Resolved, on the motion of Dr Faruqi: That:

- a) paragraph 6.62 be amended by inserting 'who was contracted by the proponent to undertake the technical air quality assessment for The Next Generation project' after 'Mr Damon Roddis, National Practice Leader Air Quality and Noise, Pacific Environment'
- b) paragraph 6.63 be amended by inserting 'Chief Executive Officer, Dial A Dump Industries Group, proponents of the Next Generation Project' after 'This argument was supported by Mr Biggs'.

Resolved, on the motion of Dr Faruqi: That paragraph 6.97 be amended by omitting 'In hindsight' before 'the proponent should have conducted a more thorough examination'.

Resolved, on the motion of Ms Sharpe: That paragraph 6.100 be amended by omitting at the end: 'While a large-scale project may be needed to meet future waste needs in Sydney, it would appear logical, at least in the first instance, to start with smaller plants that are more palatable to the community'.

Resolved, on the motion of Dr Faruqi: That paragraph 6.112 be amended by omitting 'The Next Generation intends to address these issues' and inserting instead 'The Next Generation intends to respond to these issues'.

Chapter 7

Resolved, on the motion of Ms Sharpe: That paragraph 7.36 be amended by:

- a) omitting ‘While we can see the potential benefit of breaking up the functions of the agency’ before ‘the committee has not received sufficient evidence to recommend this action’
- b) inserting ‘so it can improve its performance’ after ‘the NSW Government investigate options to restructure the NSW EPA’.

Resolved, on the motion of Ms Sharpe: That Recommendation 17 be amended by inserting at the end: ‘so it can improve its performance’.

Resolved, on the motion of Mr Mason-Cox: That the following new committee comment and recommendation be inserted after Recommendation 17:

‘Committee comment

Further, we believe that the NSW Government should conduct an independent review into the NSW EPA, with particular reference to:

- assessing the adequacy of funding for the performance of its compliance, enforcement and other roles
- improving its community engagement role and the effectiveness of its enforcement and compliance roles
- the perceived conflict of interest between its compliance and policy and education roles.

Recommendation X

That the NSW Government conduct an independent review into the NSW Environment Protection Authority, with particular reference to:

- assessing the adequacy of funding for the performance of its compliance, enforcement and other roles
- improving its community engagement role and the effectiveness of its enforcement and compliance roles
- the perceived conflict of interest between its compliance and policy and education roles.’

Resolved, on the motion of Ms Sharpe: That the following new committee comment be inserted after the new recommendation:

‘Committee comment

The committee notes that the NSW Government has failed to follow the recommendation of the previous inquiry by then General Purpose Standing Committee No. 5 into the performance of the EPA that recommended that the NSW Government amend the *Protection of the Environment Administration Act 1991* to provide for the appointment of a chairperson of the board independent of the Chief Executive Officer of the NSW EPA. The committee believes that this action would assist to improve the performance of the EPA and notes that with the retirement of Mr Buffier, there is the opportunity for the government to make this change prior to the appointment of a new CEO’.

Resolved, on the motion of Ms Sharpe: That the following new recommendation be inserted after the new committee comment:

‘Recommendation X

‘That the NSW Government seek at amend the *Protection of the Environment Administration Act 1991* to provide for the appointment of a chairperson of the board independent of the Chief Executive Officer of the NSW Environment Protection Authority’.

Resolved, on the motion of Mr Mallard: That paragraph 7.49 and Recommendation 19 be amended be inserting ‘for proprietors and company directors’ after ‘That the NSW Government introduce a fit and proper person test’.

Resolved, on the motion of Dr Faruqi: That the following new committee comment be inserted after paragraph 7.52:

‘Committee comment

‘The committee believes that there are significant unresolved issues regarding the Mangrove Mountain landfill site, including licence variations and the role of the then Gosford City Council in issuing development consent’.

Resolved, on the motion of Ms Sharpe: That the following new recommendation be inserted after the new committee comment after paragraph 7.52:

‘Recommendation X

That the NSW Government establish an independent inquiry to investigate the operation, regulation and approvals of the Mangrove Mountain Landfill site’.

Chapter 8

Resolved, on the motion of Dr Faruqi: That Recommendation 22 be amended by inserting ‘and avoidance, reduction’ after ‘enabling the circular economy, including waste generator education, product stewardship, waste levies, market support initiatives’.

Resolved, on the motion of Ms Sharpe: That paragraph 8.80 and Recommendation 27 be amended to by omitting ‘an alternative solution’ and inserting instead ‘alternative solutions’.

Resolved, on the motion of Dr Faruqi: That paragraph 8.94 and Recommendation 28 be amended by:

- a) inserting ‘zero waste strategies and’ after ‘that the NSW Environment Protection Authority, in collaboration with stakeholders, investigate opportunities to embed’
- b) omitting ‘markets’ after ‘the circular economy in New South Wales’.

Dr Faruqi moved: That Recommendation 29 be amended by inserting ‘mandatory’ before ‘Extended Producer Responsibility Schemes’.

The committee divided.

Ayes: Dr Faruqi.

Noes: Mr Graham, Mr Green, Mr Mallard, Mr Martin, Mr Mason-Cox, Ms Sharpe.

Question resolved in the negative.

Resolved, on the motion of Mr Graham: That:

The draft report as amended be the report of the committee and that the committee present the report to the House;

The transcripts of evidence, submissions, tabled documents, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry be tabled in the House with the report;

Upon tabling, all unpublished attachments to submissions be kept confidential by the committee;

Upon tabling, all unpublished transcripts of evidence, submissions, tabled documents, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry be published by the committee, except for those documents kept confidential by resolution of the committee;

The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;

The committee secretariat be authorised to update any committee comments and the key issues section where necessary to reflect changes to recommendations or new recommendations resolved by the committee;

Dissenting statements be provided to the secretariat within 24 hours after receipt of the draft minutes of the meeting;

That the report be tabled on Monday 26 March 2018.

Resolved, on the motion of Mr Mallard: That the committee note its appreciation for the hard work and diligence of the secretariat this inquiry.

4.4 Publication of *in camera* evidence

Resolved, on the motion of Dr Faruqi: That the committee authorise the partial publication of:

- the *in camera* transcript from 23 October 2017, as agreed to by Witness C
- the *in camera* transcript from 24 November 2017, as agreed to by the NSW EPA
- the *in camera* transcript from 24 November 2017, as agreed to by the NSW Police Force
- the *in camera* transcript from 13 February 2018, as agreed to by Witness G.

5. Music and the arts economy

5.1 Public submissions

The committee noted that:

- the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 1-3, 5-10, 13, 14, 16-18, 21-23, 25-27, 31-37, 43, 46, 47, 49, 50, 52-55, 57, 59, 61, 62 63-66, 71, 73, 75, 77, 78, 81, 83-88, 90, 91, 95-100, 106-110, 111, 112, 123-131, 133-147, 154-160, 165, 168-180, 185, 186, 189-190, 193-195, 197, 199, 200, 203, 205-209, 211-220, 222-258, 260, 261, 263-269, 269a, 27-276, 280-288, 291-293, 295, 296, 298, 299
- submissions 49, 62, 195 are from a persons under 18 years of age who wish to have their submissions made public, and in accordance with standard practice, the secretariat has confirmed the authors would like their submission to be published, together with their name.

5.2 Partially confidential submissions

Resolved, on the motion of Mr Martin: That the committee authorise the publication of submission nos. 15, 19-20, 24, 28-30, 38-42, 44, 48, 56, 60, 67, 68, 70, 72, 74, 79, 80, 82, 92, 93, 101-105, 113-122, 14-153, 163-164, 166, 167, 181, 187, 191, 192, 198, 201, 202, 204, 210, 221, 259, 262, 277-279, 290, 294 and 300, with the exception of identifying and/or sensitive information, which is to remain confidential, as per the request of the author.

5.3 Confidential submissions

Resolved, on the motion of Mr Martin: That the committee keep submission nos. 11, 12, 45, 51, 58, 69, 76, 89, 94, 132, 161,162, 182, 183, 188, 196, 289 and 297 confidential, as per the request of the author.

5.4 Submissions 4, 4a and 4b

Resolved, on the motion of Dr Faruqi:

- That the committee authorise the publication of submission nos. 4 and 4a, with the exception of identifying and/or sensitive information, and/or adverse mention, which is to remain confidential, as per the recommendation of the secretariat.
- That the committee keep submission no. 4b confidential, as per the recommendation of the secretariat.

5.5 Public hearing

Resolved, on the motion of Ms Sharpe: That the amended hearing schedule for the public hearing on 26 March 2018 in the Jubilee Room/McKell Room, Parliament House be adopted.

6. Adjournment

The committee adjourned at 1.05 pm, until Monday 26 March 2018, 9.00 am, Jubilee Room/McKell Room (public hearing).

Kate Mihaljek
Committee Clerk

Minutes no. 57

Monday 26 March 2018

Portfolio Committee No. 6 – Planning and Environment

Macquarie Room, Parliament House, Sydney, at 8.50 am

1. Members presentMr Green, *Chair*Mr Mallard, *Deputy Chair* (from 11.15 am)

Ms Cusack

Mr Graham

Mr Martin

2. Apologies

Ms Sharpe

Ms Walker

3. Correspondence***Received:***

- 22 March 2018 – Email from Ms Dawn Walker MLC to secretariat advising that she will be an apology to the hearing on 26 March 2018
- 26 March 2018 – Email from Liam Caulfield, on behalf of Ms Penny Sharpe MLC, advising that Ms Sharpe will be an apology to the hearing on 26 March 2018
- 26 March 2018 – Email from Shani Murphy, on behalf of Mr Shayne Mallard MLC, advising that Mr Mallard will attend the hearing following the morning tea break.

4. Previous minutes

Resolved, by leave, on the motion of Mr Graham: That minutes no. 56 be confirmed.

5. Energy from waste**5.1 Recission of motion to adopt and table report**

Resolved, on the motion of Mr Martin: That the committee rescind its decision of 19 March 2018 that:

- The draft report as amended be the report of the committee and that the committee present the report to the House
- The report be tabled on 26 March 2018.

5.2 Recommittal of report

The committee recommitted the report.

Resolved, on the motion of Mr Martin:

- That paragraph 4.6 be amended by omitting at the end: ‘We therefore recommend that the NSW Government lobby the Queensland Government to re-introduce its waste levy’ and inserting instead:

‘We therefore applaud the Queensland Government’s announcement, just days before the tabling of this report, that it intends to re-introduce its waste levy. We encourage the NSW EPA, in cooperation with the Queensland Government, to carefully monitor the impact of the re-introduction of Queensland’s waste levy and its effect upon the interstate movement of waste.’

- That Recommendation 10 be omitted: ‘That the NSW Government lobby the Queensland Government to re-introduce its waste levy.’
- That paragraph 4.48 be amended by omitting at the end: ‘This is why we have already recommended that the NSW Government lobby the Queensland Government to achieve this outcome’ and inserting instead:

‘We note the Queensland Government’s intention to take this action.’

- That the ‘Key issues’ section be amended to reflect points 1-3.

Resolved on the motion of Mr Graham:

- That the report, as amended, be the report of the committee and that the committee present the report to the House
- That the report be tabled on 28 March 2018.

6. Music and arts economy

6.1 Public submissions

The committee noted that the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 303-306, 308-311, 315, 317-325, 327, 330, 332, 338, 339, 341, 342, 349, 351-355, 357-359, 361-364, 366-375, 377-391, 394-403, 405 and 406.

6.2 Partially confidential submissions

Resolved, on the motion of Ms Cusack: That the committee authorise the publication of submission nos. 307, 308, 313, 314, 316, 326, 333-337, 343-345, 350, 356, 376, 392, 393 and 404 with the exception of identifying and/or sensitive information, which is to remain confidential, as per the request of the author.

6.3 Confidential submissions

Resolved, on the motion of Ms Cusack: That the committee keep submission nos. 301, 312, 328, 329, 331, 335, 340, 346, 348, 360 and 365 confidential, as per the request of the author.

6.4 Attachment to submission 246

Resolved, on the motion of Mr Graham: That the committee publish Attachment 2 to the City of Sydney’s submission (submission no. 246).

6.5 Public hearing

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Ms Grainne Brunson, A/Executive Director, Create NSW
- Mr Tarek Barakat, Director Strategic Policy, Research & Projects, Create NSW
- Mr Paul Newson, Deputy Secretary, Liquor, Gaming & Racing.

Mr Newson tendered the following documents:

- Liquor & Gaming NSW, ‘Strategic Plan 2017 – 2019’
- Liquor & Gaming NSW, ‘Regulatory Priorities 2017 – 2018’.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Cr Jess Scully, Councillor, City of Sydney
- Ms Lisa Colley, Manager Cultural Strategy, Strategy & Urban Analytics, City of Sydney
- Mr Ben Pechey, Manager Planning Policy, Strategic Planning & Urban Design Unit, City of Sydney.

Cr Scully tendered the following document:

- City of Sydney, Graph, Mean weekly artist income compared to median rent (all dwellings single bedroom)

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Linda Scott, President, Local Government NSW
- Ms Margaret Kay, Strategy Manager – Social and Community, Local Government NSW.

Ms Scott tendered the following document:

- Opening statement, Ms Linda Scott.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Dean Ormston, Head of Member Services, APRA AMCOS
- Mr Dave Faulkner, Artist, Hoodoo Gurus
- Ms Brooke McClymont, Artist, The McClymonts
- Mr Tim Levinson, Artist, Urthboy.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Emily Collins, Managing Director, MusicNSW
- Mr Julian Knowles, Chair, MusicNSW.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Michael Rodrigues, The Lansdowne Fifteen
- Ms Justine Baker, The Lansdowne Fifteen
- Mr Rennie Addabbo, Country Manager, SONOS.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

Mr Michael Rose, Chair, Committee for Sydney.

Mr Rose tendered the following document:

- Committee for Sydney, 'Sydney As A 24 Hour City', dated March 2018

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr John Wardle, Director, Live Music Office
- Ms Lucy Joseph, Project Manager, Western Sydney and Regional NSW Live and Local Micro Festival Program, Live Music Office.

Mr Wardle tendered the following documents:

- Document entitled: 'Live Music Policies by State and Territory', dated February 2018
- Document entitled: Arts Venues & Assembly Buildings, Proposal for Change, National Construction Code 2019, dated September 2017
- Correspondence from Mr Graham Moss, Australian Building Codes Board, to Mr John Wardle, Live Music Office, 'Proposal for Change (PFC) - National adoption of NSW and SA variations for Class 6 and 9b buildings' dated, 21 November 2017
- Section A, General Provisions, NCC 2016 Building Code of Australia – Volume One, p 587
- Excerpt from the South Australian Government Gazette, Development (Low Impact Entertainment) Variation Regulations 2017, dated 27 January 2017
- Document entitled: 'Entertainment as ancillary use in NSW – Discussion'
- Document entitled: 'Create NSW – Live and Local Strategic Initiative Micro Festivals'.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr Dan Rosen, Chief Executive Officer, Australian Recording Industry Association.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Ms Kerri Glasscock, Chief Executive Officer, Sydney Fringe Festival.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Ms Anna Burns, General Manager, Future Classic.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Greg Khoury, Executive Director, Century Venues.

The evidence concluded and the witnesses withdrew.

7. **Tendered documents**

Resolved, on the motion of Mr Graham: That the committee accept and publish the following documents tendered during the public hearing:

- Liquor & Gaming NSW, 'Strategic Plan 2017 – 2019'
- Liquor & Gaming NSW, 'Regulatory Priorities 2017 – 2018'.
- City of Sydney, Graph, Mean weekly artist income compared to median rent (all dwellings single bedroom)
- Opening statement, Ms Linda Scott
- Committee for Sydney, 'Sydney As A 24 Hour City', dated March 2018
- Document entitled: 'Live Music Policies by State and Territory', dated February 2018
- Document entitled: Arts Venues & Assembly Buildings, Proposal for Change, National Construction Code 2019, dated September 2017
- Correspondence from Mr Graham Moss, Australian Building Codes Board, to Mr John Wardle, Live Music Office, 'Proposal for Change (PFC) - National adoption of NSW and SA variations for Class 6 and 9b buildings' dated, 21 November 2017
- Section A, General Provisions, NCC 2016 Building Code of Australia – Volume One, p 587
- Excerpt from the South Australian Government Gazette, Development (Low Impact Entertainment) Variation Regulations 2017, dated 27 January 2017
- Document entitled: 'Entertainment as ancillary use in NSW – Discussion'
- Document entitled: 'Create NSW – Live and Local Strategic Initiative Micro Festivals'.

8. **Attachments to NSW Government preliminary submission**

Resolved, on the motion of Ms Cusack: That the committee publish Attachments 1,2 and 3 to the NSW Government's preliminary submission (submission no. 385).

9. **Media releases and correspondence**

Resolved, on the motion of Mr Graham:

- That the Chair write to Commercial Radio Australia, Google, Spotify, Apple and Amazon to invite the organisations to make a submission to respond to evidence received during the hearing this day regarding the inclusion of Australian artists' content on radio and streaming services

- That the Chair write to AMP Capital to invite them to make a submission in response to evidence received regarding the closure of The Basement
- That the secretariat prepare a media release regarding the Chair's correspondence to Commercial Radio Australia, Google, Spotify, Apple, Amazon and AMP Capital.

10. Inviting further submissions

Resolved, on the motion of Ms Cusack: That the committee invite SAE to make submissions to the inquiry.

11. Venues list

Resolved, on the motion of Ms Cusack: That the secretariat undertake research to determine the availability of live music venues in 2013 compared to 2018.

12. Adjournment

The committee adjourned at 5.05 pm, until Monday 28 May 2018 (music and arts site visit to Newcastle).

Kate Mihaljek
Committee Clerk

Minutes no. 58

Thursday 10 May 2018

Portfolio Committee No. 6 – Planning and Environment

Kings Cross Hotel, Potts Point at 7.55 pm

1. Members present

Mr Green, *Chair*

Mr Mallard, *Deputy Chair*

Ms Cusack (from 8.50 pm)

Mr Graham

Ms Sharpe

2. Apologies

Mr Martin

Ms Walker

3. Correspondence

Received:

- 7 May 2018 – Email from Mr Todd Kirby, to secretariat, advising that the Hon Taylor Martin MLC is an apology to the site visit on 10 May 2018
- 8 May 2018 – Email from Ms Clara Williams Roldan, to secretariat, advising that Ms Dawn Walker MLC is an apology to the site visit on 10 May 2018.

4. Visit to the Kings Cross Hotel

The committee toured the Kings Cross Hotel and received a briefing from the following representatives:

- Ms Justine Baker, Chief Executive Officer, Solotel
- Mr Joshua Stevens, General Manager and Licensee, King Cross Hotel.

5. Visit to the Oxford Art Factory

The committee toured the Oxford Art Factory and received a briefing from the following representative:

- Mr Mark Gerber, General Manager and Licensee, Oxford Art Factory.

The committee watched performances from G Flip and Public Service Broadcasting.

6. Adjournment

The committee adjourned at 10.22 pm, until Monday 28 May 2018 (the music and arts economy hearing).

Kate Mihaljek
Committee Clerk

Minutes no. 59

Monday 28 May 2018

Portfolio Committee No. 6 – Planning and Environment
Jubilee Room, Parliament House, Sydney, at 1.53 pm

1. Members present

Mr Green, *Chair*
Mr Mallard, *Deputy Chair*
Ms Cusack (until 3.02 pm, returned at 6.30 pm)
Mr Graham
Ms Maclaren-Jones (substituting for Mr Martin) (until 3.02 pm)
Ms Sharpe (until 4.20 pm)
Ms Walker

2. Previous minutes

Resolved, on the motion of Ms Sharpe: That draft minutes nos. 57 and 58 be confirmed.

3. Correspondence

Received:

- 26 March 2018 – Email from Matthew Cheshier, Director, Legal and Policy, Media, Entertainment and Arts Alliance, to secretariat, advising that he is unable to attend the hearing on 26 March 2018
- 27 March 2018 – Email from the Hon Catherine Cusack MLC, to secretariat, requesting that the committee consider writing to Venues NSW about whether it is feasible to require international artists to include Australian support acts in their tour line-ups as a matter of NSW Government policy [see item 5.6]
- 27 March 2018 – Email from Ms Genelle Watkins, Create NSW, to secretariat, confirming that the NSW Government will provide its final submission on 13 April 2018
- 29 March 2018 – Email from Ms Cathy Tobin, SAE, to Chair, regarding submission deadline and inviting committee to SAE campus in Byron Bay
- 29 March 2018 – Email from Mr John Wardle, Live Music Office to Chair, regarding the Western Australia Liquor Control Amendment Bill 2018
- 29 March 2018 – Email from Mr Tasman Brown, on behalf of the Hon Catherine Cusack MLC, to secretariat, forwarding correspondence from Mr Peter Noble, Bluesfest, requesting to appear as a witness at future hearing in Byron Bay
- 13 April 2018 – Email from Mr Liam Brennan, AMP Capital, to the secretariat, requesting an extension to the deadline for AMP Capital's submission
- 13 April 2018 – Email from Mr Nicholas Peterson, United First Peoples Syndications Pty Ltd, United Land Councils Syndications Pty Ltd and United Land Councils Ltd to the committee, regarding a notice of motion given by Mr David Shoebridge MLC regarding evidence given by Mr Peterson to Portfolio Committee No. 6's inquiry into Crown Lands
- 24 April 2018 – Email from Mr Matt Levey, Amazon, to secretariat, responding to the committee's request for a submission

- 24 April 2018 – Email from Mr Tarek Barakat, Create NSW, to secretariat, requesting an extension to the return answers to questions on notice
- 24 April 2018 – Email from Ms Anna Yanatchkova, Sydney Opera House, to secretariat, declining the invitation to the hearing on 28 May 2018
- 27 April 2018 – Correspondence from Mr Anthony Lean, Chief Executive, Office of Environment and Heritage, to Chair, responding to request for information
- 30 April 2018 – Correspondence from Ms Robyn Hobbs, Small Business Commissioner, Office of the Small Business Commissioner, to Chair, responding to request for information
- 30 April 2018 – Email from Mr Ross McCulloch, Create NSW, to Chair, requesting an extension on behalf of the NSW Department of Planning and Environment, for a response to request for information
- 2 May 2018 – Email from Ms Sophie Paterson, Spotify Australia and New Zealand, to secretariat declining the committee’s invitation to make a submission
- 2 May 2018 – Email from Ms Heather Grell, Apple, to secretariat, declining the committee’s invitation to appear as a witness at a public hearing
- 4 May 2018 – Letter from Ms Carolyn McNally, Secretary, Department of Planning and Environment, to Chair, responding to request for information
- 9 May 2018 – Email from Ms Sophie Paterson, Spotify Australia and New Zealand, to secretariat, advising that Ms Jane Huxley is unable to attend the hearing on 28 May 2018
- 14 May 2018 – Email from Ms Sophie Paterson, Spotify Australia and New Zealand, to secretariat, advising that there are no suitable local Spotify representatives to appear as witnesses
- 19 May 2018 – Email from Mr Matt Levey, Amazon, to secretariat, accepting the committee’s invitation to appear as a witness but noting he is unavailable on 28 May 2018
- 21 May 2018 – Email from Mr Jesse Suskin, Google, to secretariat, declining the committee’s invitation to appear at the hearing on 28 May 2018
- 24 May 2018 - Email from Ms Heather Grell, Apple, to secretariat, proposing that the committee meet privately with Apple to discuss streaming
- 25 May 2018 – Email from Ms Helen Marcou, Save Live Australian Music, to secretariat, providing a brief biography and discussion points for the hearing
- 28 May 2018 – Letter from the Hon Natasha Maclaren-Jones MLC, Government Whip, to secretariat, advising that she will be substituting for the Hon Taylor Martin MLC at the hearing on 28 May 2018.

Sent:

- 27 March 2018 – Email from secretariat, to Ms Cathy Tobin, Navitas Careers and Industry, inviting SAE to make a submission to the inquiry
- 29 March 2018 – Letter from Chair, to Ms Joan Warner, Chief Executive Officer, Commercial Radio Australia, inviting Commercial Radio Australia to respond to evidence about Australian content on radio
- 29 March 2018 – Letter from Chair, to Ms Jane Huxley, Managing Director, Spotify Australia and New Zealand, inviting Spotify to respond to evidence about including Australian content on playlists
- 29 March 2018 – Letter from Chair, to Mr Rocco Braeuniger, Country Manager, Amazon Australia, inviting Amazon to respond to evidence about including Australian content on playlists
- 29 March 2018 – Letter from Chair, to Mr Jason Pellegrino, Director, Google Australia and New Zealand, inviting Google to respond to evidence about including Australian content on playlists
- 29 March 2018 – Letter from Chair, to Mr Tony King, Managing Director, Apple Australia, inviting Apple to respond to evidence about including Australian content on playlists
- 29 March 2018 – Letter from Chair, to Mr Adam Tindall, Chief Executive Officer, AMP Capital, inviting AMP Capital to respond to evidence that The Basement is closing down
- 9 April 2018 – Letter from Chair, to Ms Robyn Hobbs OAM, Small Business Commissioner, Office of the Small Business Commissioner, forwarding questions from committee
- 9 April 2018 – Letter from Chair, to Ms Carolyn McNally, Secretary, NSW Department of Planning and Environment, forwarding questions from committee

- 9 April 2018 – Letter from Chair, to Mr Anthony Lean, Chief Executive, Office of Environment & Heritage, forwarding questions from committee
- 2 May 2018 – Letter from Chair, to Ms Jane Huxley, Managing Director, Spotify Australia and New Zealand, inviting Spotify to appear as witnesses at the hearing on 28 May 2018 and respond to evidence about including Australian content on playlists
- 2 May 2018 – Letter from Chair, to Mr Rocco Braeuniger, Country Manager, Amazon Australia, inviting Amazon appear as witnesses at the hearing on 28 May 2018 and to respond to evidence about including Australian content on playlists
- 2 May 2018 – Letter from Chair, to Mr Jason Pellegrino, Director, Google Australia and New Zealand, inviting Google to as witnesses at the hearing on 28 May 2018 and to respond to evidence about including Australian content on playlists
- 17 May 2018 – Letter from Chair to Mr Mark Gerber, Oxford Art Factory, thanking Mr Gerber for facilitating the site visit to the Oxford Art Factory on 10 May 2018
- 17 May 2018 – Letter from Chair to Ms Justine Baker, thanking Ms Baker for facilitating the site visit to the Kings Cross Hotel on 10 May 2018
- 22 May 2018 – Letter to Mr Jason Pellegrino, Director, Google Australia and New Zealand, inviting Google to as witnesses at the hearing on 24 August 2018 and noting the committee’s powers to summons
- 22 May 2018 – Letter from Chair, to Mr Tony King, Managing Director, Apple Australia, inviting Apple to appear as witnesses at the hearing on 24 August 2018 and noting the committee’s powers to summons
- 22 May 2018 – Letter from Chair, to Ms Jane Huxley, Managing Director, Spotify Australia and New Zealand, inviting Spotify to appear as witnesses at the hearing on 24 August 2018 and noting the committee’s powers to summons.

3.1 Correspondence to streaming services

Resolved, on the motion of Mr Graham: That, as previously agreed via email, the Chair send further correspondence to the streaming services to reinvite them to appear as a witness, noting the committee’s powers to summons.

4. Music and the arts economy

4.1 Public submissions

The committee noted that the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 269b, 407-415, 417, 418.

4.2 Confidential submission

Resolved, on the motion of Mr Mallard: That the committee keep submission no. 416 confidential, as per the request of the author.

4.3 Submission 383

Resolved, on the motion of Mr Graham: That the committee authorise the publication of submission no. 383 with the exception of identifying and/or sensitive information, which is to remain confidential, as per the request of the author.

4.4 Attachment A to Submission 413

Resolved, on the motion of Ms Cusack: That the committee publish Attachment A to Submission 413.

4.5 Answers to questions on notice

The committee noted that the following answers to questions on notice were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to questions on notice from Ms Margaret Kay, Local Government NSW, received 12 April 2018
- answers to questions on notice from Mr Michael Rose, Committee for Sydney, received 16 April 2018
- answers to questions on notice from Ms Emily Collins, MusicNSW, received 26 April 2018
- answers to questions on notice from Mr Ross McCulloch, Senior Manager, Strategic Policy, Research and Projects, Create NSW and Liquor and Gaming NSW, received 2 May 2018

- answers to questions on notice, Councillor Jess Scully, City of Sydney, received 4 May 2018.

4.6 Venues NSW

Resolved, on the motion of Ms Walker: That the secretariat, on behalf of the Chair, write to Venues NSW about whether it is feasible to require international artists to include Australian support acts in their tour line-ups as a matter of NSW Government policy.

4.7 Research regarding the availability of live music venues in Sydney

The committee noted the research undertaken to determine the availability of live music venues in Sydney in 2013 and 2018.

4.8 Travel to Melbourne

Resolved, on the motion of Mr Mallard: That the Chair seek the authorisation of the House, with the approval of the President, for the committee to travel interstate to Melbourne on 7-8 August 2018 to conduct a hearing and site visit.

5. The circumstances of the appearance of Mr Nicholas Peterson before the General Purpose Committee No. 6 Crown land inquiry

5.1 Terms of reference

The committee noted the following terms of reference referred by the House on 23 May 2018:

That Portfolio Committee No. 6 inquire into and report on:

- (a) the circumstances of the appearance of Mr Nicholas Peterson before the General Purpose Standing Committee No. 6 for the inquiry into Crown land on 15 August 2016, including whether he appeared under a false name, and
- (b) any other related matter.

5.2 Closing date for submissions

Resolved, on the motion of Ms Sharpe: That the closing date for submissions be Friday 6 July 2018.

5.3 Further matters relating to the inquiry

Resolved, on the motion of Ms Sharpe: That the committee postpone consideration of further matters relating to the inquiry until the next meeting.

6. The music and arts economy

6.1 Public hearing

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Clr Darcy Byrne, Mayor, Inner West Council
- Ms Erla Ronan, Group Manager Community Services and Culture, Inner West Council
- Mr David Birds, Strategy Planning Group Manager, Inner West Council.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Joan Warner, Chief Executive Officer, Commercial Radio Australia
- Ms Sarah Kruger, Head of Legal & Regulatory Affairs, Commercial Radio Australia.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Assistant Commissioner Mark Walton, APM, Assistant Commissioner, NSW Police Force.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Ms Isabella Manfredi, Artist, The Preatures

The Chair noted that Mr Dan Rosen, Chief Executive Officer, Australian Recording Industry Association did not need to be sworn as he had already sworn an oath at an earlier hearing for this inquiry.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr Luke Briscoe, Managing Director, Office & Industrial, AMP Capital.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Ms Helen Marcou, Save Live Australian Music.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Ms Jane Slingo, Executive Producer, Electronic Music Conference
- Mr Nicholas Drabble, Artist, Set Mo
- Mr Stuart Turner, Artist, Set Mo.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Ms Penelope Benton, General Manager, National Association for the Visual Arts.

The evidence concluded and the witnesses withdrew.

The public and media withdrew.

7. Further questions on notice to the NSW Government

Resolved, on the motion of Mr Graham: That the committee send further questions on notice to the NSW Government.

8. Correspondence to UniSuper

Resolved, on the motion of Mr Mallard: That the committee write to UniSuper and seek advice regarding its commitment to retaining the space formerly occupied by The Basement as a live music venue, and that UniSuper be given one week to respond.

9. Visit to Goros

The committee toured Goros and received a briefing from the following representatives:

- Ms Justine Baker, Chief Executive Officer, Solotel
- Mr Miles Brown, Licensee, Goros.

10. Visit to Lazy Bones Lounge

The committee toured Lazy Bones Lounge and received a briefing from the following representatives:

- Ms Alexandra Heffernan, Owner, Lazy Bones Lounge
- Mr Craig Pieterston, Owner, Lazy Bones Lounge
- Mr Vic Macri, Councillor, Inner West Council

11. Visit to Frankie's Pizza By The Slice

The committee toured Frankie's Pizza By The Slice and received a briefing from the following representative:

- Mr Jake Evans, Manager, Frankie's Pizza By The Slice.

12. Adjournment

The committee adjourned at 10.08 pm, until Wednesday 4 July 2018 (*regional site visit Wollongong*).

Kate Mihaljek

Committee Clerk

Minutes no. 60

Wednesday 20 June 2018

Portfolio Committee No. 6 – Planning and Environment

Banksia Room, Parliament House, Sydney, at 1.04 pm

1. Members present

Mr Green, *Chair*

Mr Mallard, *Deputy Chair* (until 1.45 pm)

Ms Cusack (from 1.20 pm, until 1.45 pm)

Mr Martin

2. Apologies

Mr Graham

3. Private briefing with Google

Committee held a private briefing with the following representatives from Google:

- Mr Ruuben van den Heuvel, Head of Music Partnerships, Australia, New Zealand & South East Asia
- Mr Michael Cooley, Senior Policy Counsel.

4. Adjournment

The committee adjourned at 1.57 pm, until Wednesday 4 July 2018 (*regional site visit to Wollongong*).

Kate Mihaljek

Committee Clerk

Minutes no. 61

Wednesday 4 July 2018

Portfolio Committee No. 6 – Planning and Environment

Wollongong City Council Chambers, Wollongong, at 2.40 pm

1. Members

Mr Green, *Chair*

Mr Mallard, *Deputy Chair*

Ms Cusack (from 2.55 pm, until 6.04 pm)

Mr Graham

Mr Martin (until 8.40 pm)

Ms Sharpe

Ms Walker

2. Minutes

Resolved, on the motion of Mr Mallard: That draft minutes nos 59 and 60 be confirmed.

3. Correspondence

Received:

- 28 May 2018 – Email from Mr Lliam Caulfield, on behalf of the Hon Penny Sharpe MLC, to secretariat, advising that Ms Sharpe is an apology for the site visits on 28 May 2018
- 28 May 2018 – Email from Mr Bryan Said and Mr Brian Roylance, JBN Sound Solutions Australia P/L, to Chair, requesting to appear as witnesses at future hearing
- 29 May 2018 – Email from Ms Alexandra Heffernan, Lazy Bones Lounge, to Chair, regarding concerns discussed during site visit on 28 May 2018
- 5 June 2018 – Email from Mr Jesse Suskin, Google, to secretariat, relating to a meeting with Google's Head of Music in the Asia-Pacific
- 5 June 2018 – Email from Mr Nick Josifovski, Anita's Theatre, to secretariat, advising that he is unable to accept committee's invitation to appear at a hearing on 4 July 2018
- 6 June 2018 – Letter from Mr John Prior, Association of Australian Musicians, to Chair, requesting to appear as a witness
- 6 June 2018 – Email from Ms Laura Tsoukalas, NSW Police Force, to secretariat, requesting an extension for the return of answers to questions on notice until 6 July 2018
- 7 June 2018 – Email from Mr Peter Burr, Potager, to secretariat, advising that he is unable to appear as a witness on 31 July 2018
- 12 June 2018 – Letter from Ms Jane Huxley, Spotify, to committee, agreeing that Spotify appear as a witness at a hearing on 24 August 2018
- 14 June 2018 – Email from Ms Heather Grell, Apple, to secretariat, proposing a private briefing [see item 5.2]
- 19 June 2018 – Email from Mr Kevin O'Sullivan, UniSuper, to Chair, responding to request for information about the space previously occupied by the Basement
- 21 June 2018 – Email from Ms Debra Murphy, RDA Illawarra, to secretariat, declining invitation to appear at the hearing on 4 July 2018
- 25 June 2018 – Email from Ms Jessica Ducrou, Secret Sounds, to secretariat, declining invitation to appear at the hearing on 31 July 2018, and instead requesting to appear at the hearing on 24 August 2018
- 26 June 2018 – Email from Ms Rhoda Roberts, to secretariat, declining the committee's invitation to appear at the hearing on 31 July 2018
- 27 June 2018 – Letter from Mr Paul Doorn, Chief Executive Officer, Venues NSW, to Chair, responding to request for information regarding international artists including Australian support acts in their tour line-ups
- 28 June 2018 – Letter from Ms Hazel Storey, SSROC, to Chair, commending the recommendations of the energy from waste report
- 29 June 2018 – Email from Mr Barney Galbriath, Towradgi Beach Hotel, to secretariat, advising he can no longer appear at the hearing on 4 July 2018.

Sent:

31 May 2018 – Letter from Chair, to Mr Kevin O'Sullivan, UniSuper, requesting response regarding UniSuper's commitment to retaining the space formerly occupied by The Basement as a live music venue

- 31 May 2018 – Letter from Chair, to Ms Christine McLoughlin, Venues NSW, regarding the viability of requiring international artists to include Australian acts in their tour line ups

- 31 May 2018 – Letter from Chair, to Ms Justine Baker, Solotel, thanking her for facilitating the committee's site visit to Goros
- 31 May 2018 – Letter from Chair, to Ms Alexandra Heffernan and Mr Craig Pietersen, thanking them for facilitating the committee's site visit to Lazy Bones Lounge
- 31 May 2018 – Letter from Chair, to Mr Jake Evans, thanking him for facilitating the committee's site visit to Frankie's Pizza By The Slice
- 28 June 2018 – Letter from Chair, to Mr Ruuben van den Heuvel, Google, thanking him for facilitating the committee's private briefing
- 2 July 2018 – Letter from Chair, to Mr Paul Scully MP, Member for Wollongong advising of hearing and site visit in Wollongong.

Resolved, on the motion of Mr Martin: That the committee publish the correspondence from Venues NSW dated 27 June 2018 and keep certain identified information confidential, as per the request of Venues NSW.

4. The circumstances of the appearance of Mr Nicholas Peterson before the General Purpose Committee No. 6 Crown land inquiry

4.1 Consideration of stakeholder list

Resolved, on the motion of Mr Martin: That the closing date for submissions be extended to Friday 3 August 2018.

4.2 Hearing date

Resolved, on the motion of Mr Mallard: That the committee conduct a public hearing for the inquiry on Friday 14 September 2018.

5. Music and the arts economy

5.1 Public hearing

The following witness was sworn and examined:

- Mr Mark Grimson, Economic Development Manager, Wollongong City Council

Mr Grimson tendered the following document:

- 'Wollongong a city transformed, Investor Prospectus 2017'

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Ms Ann Martin, Artist Planner and Cultural Planner

Ms Martin tendered the following document:

- Music Canada, 'Keys to a Music City: Examining the Merits of Music Offices'

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Mr Jack Lincoln, Artist

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Adam Smith, Owner, Yours and Owls Café
- Mr Jeb Taylor Owner, Owner, Farmer and The Owl

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr Robert Deacon, Licensee, Bombie Bar

Mr Deacon tendered the following document:

- Letter – 'Live musical performances - Bombie Bar' Operating at Coalcliff Surf Club

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Rod Cork, Vice President, Illawarra Folk Festival
- Mr Graeme Morrison, Secretary, Illawarra folk Festival

Mr Cork tendered the following document:

- Document entitled: 'The Illawarra Folk Club Inc, would like to thank the NSW Legislative Council Inquiry into the Music and Arts Economy in NSW for inviting us to give evidence to this inquiry'

The evidence concluded and the witnesses withdrew.

5.2 Correspondence from Apple

Resolved, on the motion of Mr Graham: That the committee invite Apple to give evidence at a public hearing and advise of the ability to give evidence *in camera* if necessary, and advise Apple that Spotify and Amazon have agreed to give evidence in public.

5.3 Public submissions

The following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos 325a, 419, 420, 420a and 421.

5.4 Answers to questions on notice

The committee to note that the following answers to questions on notice were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to questions on notice from Ms Sarah Kruger, Commercial Radio Australia, received 22 June 2018
- answers to questions on notice from Ms Isabella Manfredi, received 22 June 2018
- answers to questions on notice from Ms Penelope Benton, National Association for the Visual Arts, received 26 June 2018
- answers to questions on notice from Ms Kate Hickey, Create NSW, received 27 June 2018
- answers to questions on notice from Ms Helen Marcou, Save Live Australian Music, received 27 June 2018
- answers to questions on notice, Mr Michael Cooley, Google, received 2 July 2018.

5.5 Tended documents

Resolved on the motion of Ms Cusack: That the committee accept and publish the documents tendered during the public hearing:

- 'Wollongong a city transformed, Investor Prospectus 2017'
- 'Keys to a Music City: Examining the Merits of Music Offices'
- 'Live musical performances - Bombie Car' Operating at Coalcliff Surf Club
- Document entitled: 'The Illawarra Folk Club Inc, would like to thank the NSW Legislative Council Inquiry into the Music and Arts Economy in NSW for inviting us to give evidence to this inquiry'.

5.6 Visit to the Howlin Wolf Whiskey Bar

The committee visited the Howlin' Wolf Whiskey Bar and received a briefing from:

- Mr Ben Abraham, Owner, Howlin' Wolf Whiskey Bar.

5.7 Visit to Rad Bar

The committee visited Rad Bar and received a briefing from the following representatives:

- Mr Adam Smith, Owner, Yours and Owls Café
- Mr Jeb Taylor Owner, Owner, Farmer and The Owl
- Mr Jye Talbot, Manager, Rad Bar.

6. Adjournment

The committee adjourned at 9.09 pm, until Tuesday 31 July 2018 (*regional site visit to Byron Bay*).

Kate Mihaljek
Committee Clerk

Minutes no. 62

Tuesday 31 July 2018

Portfolio Committee No. 6 – Planning and Environment
auditorium, SAE Creative Media Institute, Byron Bay, at 10.17 am

1. Members

Mr Green, Chair
Mr Mallard, Deputy Chair
Ms Cusack
Mr Franklin (substituting for Mr Martin)
Mr Graham
Ms Sharpe
Ms Walker

2. Minutes

Resolved, on the motion of Mr Mallard: That draft minutes no 61 be confirmed.

3. Correspondence

Received:

- 4 July 2018 – Email from Witness C to secretariat, noting that Mr Barry Buffier, former CEO and Chair of the NSW EPA, has joined the board at Bingo
- 6 July 2018 0 – Letter from Mr Gareth Ward MP, Member for Kiama, on behalf of Mr Peter O'Neill, to Chair, regarding proposal for new festival site in Kiama
- 9 July 2018 – Email from Ms Helen Marcou, Save Live Australian Music, to secretariat, identifying possible expert witnesses for the hearing in Melbourne
- 10 July 2018 – Email from Ms Elke van Haandel, Beach Hotel, to secretariat, declining the invitation to appear as a witness at hearing on 31 July 2018 in Byron Bay
- 17 July 2017 – Email from the Hon Natasha Maclaren-Jones MLC, Government Whip, to secretariat, advising of that the Hon Ben Franklin MLC will substitute for the Hon Taylor Martin MLC, for the site visit to Byron Bay
- 17 July 2018 – Email from Ms Heather Grell, Apple, to secretariat, advising that Apple has declined the committee's invitation to give evidence in public and will instead give *in camera* evidence
- 18 July 2018 – Email From Ms Sally Jones, City of Port Phillip, to secretariat, declining the invitation to appear at hearing on 7 August 2018 in Melbourne
- 18 July 2018 – Email - From Mr Chris Joannou, The Edwards, to secretariat, declining the invitation to appear at the hearing on 23 August 2018 in Newcastle
- 23 July 2018 – Email from Mr Anthony Trimarchi, Clubs NSW, to secretariat, declining the invitation to appear at the hearing on Friday 24 August 2018 in Sydney

- 24 July 2018 – Email from Ms Kirsty Rivers, Creative Vitoria, to secretariat, declining the invitation to appear at the hearing on Tuesday 7 August 2018 in Melbourne
- 30 July 2018 – Email from Dr Kate Shaw, University of Melbourne, to secretariat, declining the invitation to appear at the public hearing on 7 August 2018 in Melbourne
- 31 July 2018 – Email - Mr Dean Griggs, Melbourne City Council, declining the invitation to appear at public hearing on 7 August 2018 in Melbourne.

Sent:

- 10 July 2018 – Letter from Chair, to Heather Grell, Apple, inviting Apple to appear at a public hearing and noting that the committee can take evidence *in camera*
- 12 July 2018 – Letter from Chair, to Mr Ben Abraham, Howlin' Wolf Whiskey Bar, thanking him for facilitating the committee's site visit to the Howlin' Wolf
- 12 July 2018 – Letter from Chair, to Mr Adam Smith and Mr Jeb Taylor, Rad Bar, thanking them for facilitating the committee's site visit to Rad Bar
- 23 July 2018 – Letter from Chair, to Ms Tamara Smith MP, Member for Ballina, advising of site visit to Byron Bay
- 23 July 2018 – Letter from Chair, to Mr Tim Crakanthorp MP, Member for Newcastle, advising of site visit to Newcastle.

4. Music and the arts economy

4.1 Correspondence to Brisbane City Council

Resolved, on the motion of Mr Graham: That the Chair write to Brisbane City Council to request information about the Special Entertainment Precinct in Fortitude Valley, including details on the music-noise and planning development laws developed to support the precinct.

4.2 Questions on notice for Destination NSW and CITMO

Resolved, on the motion of Mr Graham: That the committee send questions on notice to Destination NSW regarding funding for festivals, and to CITMO regarding cultural mapping.

4.3 Public hearing

The following witness was sworn and examined:

- Mr David Burgener, Community Development Officer – Cultural Planning, Community and Cultural Services, Tweed Shire Council

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Mr Peter Noble, Director, Bluesfest Group of Companies

Mr Noble tendered the following document:

- Lawrence Consulting, 'Economic Impact of Bluesfest 2017'
- Presentation, '30th Anniversary, Byron Bay Bluesfest'
- Lists: Awards, Wins and Nominations

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Mr Lee Aitken, General Manager, SAE Australasia

Mr Aitken tendered the following document:

- Navitas, 'Introduction to SAE Creative Media Institute'

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Mr Mat Morris, General Manager, North Byron Parklands

Mr Morris tendered the following document:

- RPS, 'North Byron Parklands, Economic Impact and Benefits 2016'

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Ms Shannon Burt, Director, Sustainable Environment and Economy, Byron Shire Council
- Ms Tania Crosbie, Economy and Sustainability Coordinator, Byron Shire Council

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr Brandon Saul, Organiser/Promoter, Falls Festival

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Mr Luke Mooney, The Rails

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Ms Renee Simone, Artist
- Ms Ilona Harker, Artist

Ms Harker tendered the following documents:

- Graphs entitled: 'Boards of directors on national music industry peak bodies, by gender, 2017'; 'The average earnings gap between APRA members'; 'The top most-played songs on Australian radio-across 58 stations'; 'Percentage of APRA payments made to men and women'
- Article regarding sexism in the Australian music industry

The evidence concluded and the witness withdrew.

4.4 Public submissions

The following submission was published by the committee clerk under the authorisation of the resolution appointing the committee: submission no. 422.

4.5 Answers to questions on notice

The committee noted that the following answers to questions on notice were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to questions on notice from Erla Ronan, Inner West Council received 5 July 2018
- answers to questions on notice from Mr Michael, Rodrigues, Lansdowne Fifteen, received 5 July 2018, Lansdowne Fifteen
- answers to questions on notice, NSW Police Force, received 9 July 2018
- answers to questions on notice, Mr Luke Briscoe, AMP Capital, received 12 July 2018.

4.6 Tendered documents

Resolved on the motion of Ms Cusack: That the committee accept and publish the documents tendered during the public hearing:

- Lawrence Consulting, 'Economic Impact of Bluesfest 2017'
- Presentation, '30th Anniversary, Byron Bay Bluesfest'.

- Lists of Awards, Wins and Nominations
- Navitas, 'Introduction to SAE Creative Media Institute'
- RPS, 'North Byron Parklands, Economic Impact and Benefits 2016
- Graphs entitled: 'Boards of directors on national music industry peak bodies, by gender, 2017'; 'The average earnings gap between APRA members'; 'The top most-played songs on Australian radio-across 58 stations'; 'Percentage of APRA payments made to men and women'
- Article regarding sexism in the Australian music industry.

4.7 Tour of SAE Campus

The committee toured the SAE campus and received a briefing from the following representatives:

- Mr Ben Funnell, SAE Byron Bay Campus Manager
- Ms Elizar Mytka, SAE Byron Bay Course Advisor

4.8 Visit to The Rails

The committee visited The Rails and received a briefing from the following representative:

- Mr Luke Mooney.

4.9 Visit to The Northern

The committee visited The Rails and received a briefing from the following representative:

- Mr Kyle Maxwell.

5. Adjournment

The committee adjourned at 8.33 pm, until Tuesday 7 August 2018 (*site visit to Melbourne*).

Kate Mihaljek
Committee Clerk

Minutes no. 63

Tuesday 7 August 2018

Portfolio Committee No. 6 – Planning and Environment

Room G.7/8, 55 St Andrews Place, East Melbourne, at 10.36 am

1. Members

Mr Green, Chair
Mr Mallard, Deputy Chair
Ms Cusack
Mr Graham
Mr Martin
Ms Walker

2. Apologies

Ms Sharpe

3. Music and arts economy

3.1 Public hearing

The following witnesses were sworn and examined:

- Ms Kirsty Rivers, Manager, Contemporary Music, Creative Victoria
- Ms Jane Crawley, Director of Arts Investment, Creative Victoria.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr Patrick Donavon.

Mr Donavon tendered the following document:

- 'Victorian Live Music 10 Point Plan'.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Ms Siu Chan, Unit Manager Arts, Culture and Venues, City of Yarra.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Mr Roger Field, Chief Executive Officer, Live Nation Australasia.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Mr Jon Perring, Proprietor, The Tote.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Mr Ben Dennis, Manager, Peking Duk.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Monte Morgan, Artist, Client Liaison
- Mr Harvey Miller, Artist, Client Liaison.

The evidence concluded and the witness withdrew.

3.2 Site visit to the Collingwood Arts Precinct

The committee visited the Collingwood Arts Precinct and received a briefing from the following representative:

- Mr Marcus Westbury, Chief Executive Officer.

3.3 Visit to Bakehouse Studios

The committee visited Bakehouse Studios and received a briefing from the following representatives:

- Ms Helen Marcou, Owner
- Mr Quincy McLean, Owner.

3.4 Visit to Corner Hotel

The committee visited the Corner Hotel and received a briefing from the following representatives:

- Ms Lara Whalley, Venue Manager
- Mr Rod Smith, Group General Manager.

3.5 Visit to The Tote

The committee visited The Tote and received a briefing from the following representative:

- Mr Jon Perring, Proprietor.

4. Adjournment

The committee adjourned at 10.33 pm, until Wednesday 8 August 2018 (*site visit to Melbourne*).

Kate Mihaljek
Committee Clerk

Minutes no. 64

Wednesday 8 August 2018
 Portfolio Committee No. 6 – Planning and Environment
 Room G.7/8, 55 St Andrews Place, East Melbourne, at 8.53 am

1. Members

Mr Green, Chair
 Mr Mallard, Deputy Chair
 Ms Cusack
 Mr Graham
 Mr Martin
 Ms Walker

2. Apologies

Ms Sharpe

3. Minutes

Resolved, on the motion of Mr Graham: That draft minutes no 62 be confirmed.

4. Correspondence

Received:

- 3 August 2018 – Email from Mr Liam Caufield, on behalf of the Hon Penny Sharpe MLC, to secretariat, advising that Ms Sharpe is an apology for the hearings on 7 August and 8 August 2018 in Melbourne
- 3 August 2018 – Email from Ms Heather Grell, Apple, to secretariat, requesting that two Apple staff attend the *in camera* hearing on 23 August 2018 as audience members
- 8 August 2018 – Email from Ms Melissa Adam, The Police Association of Victoria, to secretariat, advising that Mr Wayne Gatt is unavailable for the hearing on 8 August 2018 in Melbourne.

Sent:

- 2 August 2018 – Email from secretariat, to Ms Sandra Chipchase, Destination NSW, outlining questions on notice and response date
- 2 August 2018 – Email from secretariat, to Mr Craig Limkin, CIPMO, outlining questions on notice and response date.

Resolved, on the motion of Mr Mallard: That two representatives from Apple be allowed to attend *in camera* session of the hearing on 23 August 2018.

5. The circumstances of the appearance of Mr Nicholas Peterson before the General Purpose Committee No. 6 Crown land inquiry

Resolved, on the motion of Mr Mallard: That the secretariat prepare a briefing paper for the committee on the status of the inquiry.

6. The music and arts economy

6.1 Correspondence to AMP Capital and UniSuper

Mr Graham moved: That the committee write to AMP Capital for an update on the progress of the space previously occupied by The Basement.

Mr Mallard moved: That the motion of Mr Graham be amended by inserting 'and UniSuper' after AMP Capital.

Question: That the amendment of Mr Mallard be agreed to: put and passed.

Original question: as amended: put and passed.

6.2 Additional witnesses

Resolved, on the motion of Graham: That the following stakeholders be invited to appear as witnesses as future hearings:

- Community Broadcasting Association of Australia
- Mr Daniel Robertson and Ms Sarah Vuong, Owners, Play Bar.

6.3 Public hearing

The following witness was sworn and examined:

- Mr Nick Tweedie SC, Barrister, Owen Dixon Chambers West.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Adam Jankie, Head of Government & Education, Mushroom Group
- Ms Alex Kelsey, Project Manager, Mushroom Group.

Mr Jankie tendered the following documents:

- 'Adam Jankie – Opening Statement'
- 'Music Works: Supporting Local Acts and Local Jobs'
- Media Release: 'Minister Unveils Taskforce To Steer Future Of Creative Industries'
- 'Live Music and Entertainment Noise provisions'
- 'Live Music and Entertainment Noise, Planning Practice Note'
- 'Victoria Planning Provisions Amendment VC120 Explanatory Note'
- Executive Summary: 'Melbourne Live Music Census 2017'
- Tables: Frontier Touring ticket sales
- 'Ticket Scalping Issues Table – Federal Legislation Recommendations'
- Executive Summary: 'Creative State'
- Biography: 'Michael Gudinski AM, Chairman, The Mushroom Group of Companies'
- Presentation: 'Mushroom Group'.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Ms Kate Duncan, Chief Executive Officer, The Push.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Matthew Rogers, Chief Operating Officer, Unified Music Group
- Mr Luke Logemann, Chief Creative Officer, Unified Music Group
- Mr Dan Nascimento, Touring Co-Ordinator, Unified Music Group.

The evidence concluded and the witnesses withdrew.

6.4 Tended documents

Resolved on the motion of Mr Mallard: That the committee accept and publish the documents tendered during the public hearing:

- 'Victorian Live Music 10 Point Plan'

- 'Adam Jankie – Opening Statement'
- 'Music Works: Supporting Local Acts and Local Jobs'
- Media Release: 'Minister Unveils Taskforce To Steer Future Of Creative Industries'
- 'Live Music and Entertainment Noise provisions'
- 'Live Music and Entertainment Noise, Planning Practice Note'
- 'Victoria Planning Provisions Amendment VC120 Explanatory Note'
- Executive Summary: 'Melbourne Live Music Census 2017'
- Tables: Frontier Touring ticket sales
- 'Ticket Scalping Issues Table – Federal Legislation Recommendations'
- Executive Summary: 'Creative State'
- Biography: 'Michael Gudinski AM, Chairman, The Mushroom Group of Companies'
- Presentation: 'Mushroom Group'.

7. Adjournment

The committee adjourned at 11.34 am until Thursday 23 August 2018 (*in camera hearing, Sydney*).

Kate Mihaljek
Committee Clerk

Minutes no. 66

Thursday 23 August 2018

Portfolio Committee No. 6 – Planning and Environment

Banksia Room, Parliament House, at 9.04 am

1. Members

Mr Green, *Chair*

Ms Cusack (from 9.04 am until 9.52 am)

Mr Graham (from 9.04 am until 5.35 pm)

Mr Martin (via teleconference 9.04 am until 9.10 am and 2.06 pm until 5.35 pm)

Ms Sharpe

2. Apologies

Ms Cusack (from 9.56 am)

Mr Mallard

Mr Martin (from 9.04 am until 9.10 am)

Ms Walker

3. Minutes

Resolved, on the motion of Mr Graham: That draft minutes nos 63 and 64 be confirmed.

4. Correspondence

Received:

- 13 August 2018 – Email from Witness C to secretariat, noting that the NSW Police Force addressed the Waste Task Force
- 13 August 2018 – Email from Mr Tasman Brown, to secretariat, advising that the Hon Catherine Cusack MLC is an apology for the site visit to Newcastle on 23 August 2018
- 20 August 2018 – Email Ms Shani Murphy, to secretariat, advising that the Hon Shayne Mallard MLC is an apology for the site visit to Newcastle on 23 August 2018

- 21 August 2018 – Email from Ms Ann Rollins, Apple to secretariat, requesting that Apple's witness details be kept confidential following *in camera* hearing 23 August 2018
- 22 August 2018 – Email from Mr Mahmoud El-Hussein, Department of Environment and Planning, to secretariat, advising that Create NSW is unable to attend the hearing on 14 September 2018.

Sent:

- 13 August 2018 – Letter from Chair, to Mr Frank Henry, Brisbane City Council, requesting information about the Special Entertainment Precinct in Fortitude Valley
- 13 August 2018 – Letter from Chair, to Mr Lee Aitken, thanking him for facilitating the committee's hearing and tour at SAE Creative Media Institute
- 13 August 2018 – Letter from Chair, to Mr Luke Mooney, thanking him for facilitating the committee's site visit to The Rails and The Northern
- 17 August 2018 – Letter from Chair, to Ms Lara Whalley, thanking her for facilitating the committee's site visit to The Corner Hotel
- 17 August 2018 – Letter from Chair, to Mr Jon Perring, thanking him for facilitating the committee's site visit to The Tote
- 17 August 2018 – Letter from Chair, to Ms Helen Marcou and Mr Quincy McLean, thanking them for facilitating the committee's site visit to Bakehouse Studios
- 17 August 2018 – Letter from Chair, to Mr Marcus Westbury, Chief Executive Officer, Collingwood Arts Precinct, thanking him for facilitating the committee's site visit to the Collingwood Arts Precinct
- 17 August 2018 – Letter from Chair, to Mr Kevin O'Sullivan, Chief Executive Officer, UniSuper Management Pty Ltd, requesting an update on the premises previously occupied by The Basement at 7 Macquarie Place
- 17 August 2018 – Letter from Chair, to Mr Luke Briscoe, Managing Director, Office & Industrial, Real Estate, AMP Capital, requesting an update on the premises previously occupied by The Basement at 7 Macquarie Place
- 17 August 2018 – Letter from Chair, to Mr Wayne Gatt, President, The Police Association of Victoria, requesting response to questions on notice.

5. Music and the arts economy**5.1 Answers to questions on notice**

The committee noted that the following answers to questions on notice were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to questions on notice from Mr Mark Grimson, Wollongong City Council received 10 August 2018

5.2 Create NSW

Resolved, on the motion of Ms Sharpe: That the secretariat write to Create NSW to request that, in view of Create NSW officers' prior appointment on 24 September 2018, Create NSW attend a public hearing on an alternative date to be determined in consultation with the secretariat.

5.3 *In camera* hearing

Resolved, on the motion of Ms Sharpe: That the committee take evidence *in camera*.

The committee proceeded to take *in camera* evidence.

Persons present other than the committee: Ms Jenelle Moore, Ms Kate Mihaljek, Ms Shaza Barbar, Ms Elise Williamson, Hansard.

As previously resolved by the committee, two representatives from Apple attended the hearing as audience members.

The following witnesses were sworn and examined:

- Witness A, Apple
- Witness B, Apple.

The evidence concluded and the witnesses withdrew.

5.4 Public hearing

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Cllr Declan Clausen, Deputy Lord Mayor, Newcastle City Council
- Mr Ian Rhodes, Community Planning Team Coordinator, Newcastle City Council.

Cllr Clausen tendered the following documents:

- Newcastle City Council's unanimous resolution of 27 February calling for the development and implementation of a Live Music Strategy
- Newcastle City Council's 2030 Community Strategic Plan
- Newcastle After Dark Strategy (draft)
- Newcastle City Council unanimously endorsed submission to the Independent Liquor and Gaming Authority's Review of Licence Conditions for 14 Newcastle CBD Venues
- Newcastle City Council Cultural Strategy 2016 – 2019.

Mr Rhodes tendered the following document:

- Newcastle Live Music Strategy online mapping and survey results.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Jacqui Hemsley, Manager – Cultural Services, Lake Macquarie Council
- Ms Samantha Hardie, Co-Chair, NTE Working Group, and Strategic Landuse Planner, Lake Macquarie City Council.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr Ian Lobb, Owner and licensee.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Marcus Wright, Director, Big Apachee
- Mr Grant Walmsley, Artist, The Screaming Jets.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr John Sahyoun, President, Bulahdelah Chamber of Commerce & Tourism.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Spencer Scott, Musician
- Mr Tony Petersen.

The evidence concluded and the witnesses withdrew.

The public and the media withdrew.

5.5 Tended documents

Resolved, on the motion of Mr Graham: That the committee accept and publish the following documents tendered during the public hearing:

- Newcastle City Council's unanimous resolution of 27 February calling for the development and implementation of a Live Music Strategy
- Newcastle City Council's 2030 Community Strategic Plan
- Draft Newcastle After Dark Strategy
- Newcastle City Council unanimously endorsed submission to the Independent Liquor and Gaming Authority's Review of Licence Conditions for 14 Newcastle CBD Venues
- Newcastle Live Music Strategy online mapping and survey results
- Newcastle City Council Cultural Strategy 2016 – 2019.

5.6 Apple witnesses

Resolved, on the motion of Mr Martin: That the committee keep confidential the names and position details of the Apple representatives who appeared as witnesses at the *in camera* hearing on 23 August 2018.

5.7 Site visit - Lass O'Gowrie

The committee visited the Lass O'Gowrie and received a briefing from the following representative:

- Mr Ian Lobb, Owner and licensee.

6. Adjournment

The committee adjourned at 6.40 pm until Friday 24 August 2018 (public hearing, Sydney).

Kate Mihaljek

Committee Clerk

Minutes no. 67

Friday 24 August 2018

Portfolio Committee No. 6 – Planning and Environment

Macquarie Room, Parliament House, Sydney, at 9.19 am

1. Members present

Mr Green, *Chair*

Mr Mallard, *Deputy Chair*

Ms Cusack (from 9.21 am until 2.15 pm)

Mr Graham

Mr Martin

Ms Sharpe

2. Music and arts economy

2.1 Public hearing

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witness was sworn and examined:

- Ms Jane Huxley, Managing Director, Spotify Australia & New Zealand, Spotify Australia/New Zealand.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr Matt Levey, Manager, International Public Policy – Australia/New Zealand, Amazon.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Josh Landis, Executive Manager Public Affairs, ClubsNSW
- Mr Anthony Trimarchi, Manager – Policy and Government, ClubsNSW.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Ms Jessica Ducrou, Secret Sounds.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Ms Kristy Lee Peters, Artist, KLP
- Mr Scott Baldwin, Artist, The Rubens
- Mr Greg Carey, Artist Manager
- Mr Nicholas Pickard, Director Public Affairs & Communications, APRA AMCOS.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr John Green, Director, Liquor and Policing, AHA NSW
- Mr Chris Gatfield, Manager, Policy and Research, AHA NSW.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

Ms Millie Millgate, Executive Producer, Sounds Australia.

Ms Millgate tendered the following documents:

- Australia's music export platform, fast-tracking Australian music success globally
- Funding comparison, Sounds Australia.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Karl Schlothauer, President, NSW Independent Bars Association
- Mr Luke Ashton, NSW Independent Bars Association
- Ms Chau Tran, NSW Independent Bars Association.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Jon Bisset, Chief Executive Officer, Community Broadcasting Association of Australia
- Mr Andrew Khedoori, Manager Australian Music Radio Airplay Project, Community Broadcasting Association of Australia
- Ms Nikki Brogan, Managing Director, FBi Radio.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr Tyson Koh, Campaign Director, Keep Sydney Open.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Clive Miller, Chief Executive Officer, Support Act
- Ms Lindy Morrison, National Welfare Coordinator, Support Act.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Daniel Robertson, Owner, Play Bar
- Ms Sarah Vuong, Owner, Play Bar.

The evidence concluded and the witnesses withdrew.

2.2 Tendered documents

Resolved, on the motion of Mr Mallard: That the committee accept and publish the following documents tendered during the public hearing:

- Australia's music export platform, fast-tracking Australian music success globally
- Funding comparison, Sounds Australia.

3. Adjournment

The committee adjourned at 4.44 pm, until Thursday 13 September 2018 (music and arts site visit to Tamworth).

Kate Mihaljek
Committee Clerk

Minutes no. 71

Thursday 13 September 2018

Portfolio Committee No. 6 – Planning and Environment

Council Chambers, Tamworth Regional Council, Tamworth, at 11.01 am

1. Members present

Mr Green, *Chair*

Mr Mallard, *Deputy Chair*

Ms Cusack (from 11.22 am)

Mr Graham

Ms Sharpe (until 1.53 pm)

2. Apologies

Mr Martin

Ms Walker

3. Minutes

Resolved, on the motion of Mr Graham: That draft minutes nos 66 and 67 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received

- 27 August 2018 – Email from Mr George Aghajanian, General Manager, Hillsong Church, to secretariat, declining the invitation to appear at the hearing on 24 August 2018
- 27 August 2018 – Letter from Luke Briscoe, AMP Capital, to Chair, responding to request for further information on the tender process for the premises formerly occupied by The Basement
- 30 August 2018 – Email from Ms Hannah Dunn, Department of Planning and Environment, to secretariat, clarifying that Create NSW did not decline the committee's invitation to appear at the hearing, and requesting this be communicated to members
- 31 August 2018 – Letter from Mr Frank Henry, Brisbane City Council, to Chair, providing a draft response to request for information regarding Brisbane City Council's Special Entertainment Precinct
- 3 September 2018 – Email Ms Elizabeth Ryan, to secretariat, declining the invitation to appear at the hearing on 14 September 2018
- 6 September 2018 – Letter from Mr Kevin O'Sullivan, UniSuper, to Chair, responding to request for an update on the tender process for the premises previously occupied by The Basement
- 10 September 2018 – Email from Mr Todd Kirby, to secretariat, advising that the Hon Taylor Martin MLC is an apology to the hearing on 13 September 2018
- 12 September 2018 – Email from Mr Liam Caufield, to secretariat, advising that the Hon Penny Sharpe MLC is an apology to the hearing on 14 September 2018.

Sent

- 3 September 2018 – Letter to Mr Ian Lobb, Owner and Licensee, Lass O'Gowrie, thanking him for facilitating the committee's site visit to the Lass O'Gowrie.

5. Music and arts economy

5.1 Public submission

The committee noted the following submission was published by the committee clerk under the authorisation of the resolution appointing the committee: submission no. 425.

5.2 Answers to questions on notice

The committee noted that the following answers to questions on notice were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to questions on notice, Ms Nadja Konietzko, Bluesfest Group of Companies, 27 August 2018
- answers to questions on notice from Ms Deborah O'Connor, Destination NSW, received 3 September 2018
- answers to questions on notice from Mr Jon Perring, The Tote, received 3 September 2018
- answers to questions on notice from Mr Craig Limkin, Create NSW, received 4 September 2018
- answers to questions on notice from Mr Wayne Gatt, The Police Association of Victoria, received 5 September 2018
- answers to questions on notice from Ms Kirsty Rivers, Creative Victoria, received 7 September 2018
- answers to questions on notice from Ms Kate Duncan, The Push, received 7 September 2018
- answers to questions on notice from Mr Roger Field, Live Nation, received 10 September 2018
- answers to questions on notice from Mr Tim Lohman, Liquor and Gaming NSW, received 12 September 2018.

5.3 Return of answers to questions on notice

Resolved, on the motion of Mr Mallard: That any answers to questions on notice arising from the remaining hearings be requested to be provided 14 days from receipt of the transcript and/or questions.

5.4 Report deliberative date

Resolved, on the motion of Mr Mallard: That the deliberative for this report be held at 10 am on Friday 2 November 2018, and the secretariat investigate procedures to allow the report to be tabled on Tuesday 13 November 2018.

5.5 Public hearing

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Mr Rod Laing, Chief Executive Officer, Wests Entertainment Group
- Mr Craig Power, The Pub Group
- Mr John Krsulja, The Dag Sheep Station.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Jye Segboer, President, Tamworth Business Chamber
- Mr Chris Watson, Chris Watson's Travel.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Rebecca Belt, Director, Country Music Association of Australia
- Mr David Woodward, Artist Manager, Reputation Marketing.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Ms Carolyn Morris, Tamworth Songwriters Association.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Barry Harley, Manager, Country Music Unit, Tamworth Regional Council
- Mr Peter Ross, Manager, Entertainment Venues, Tamworth Regional Council.

Mr Ross tendered the following document:

- Tamworth Arts & Cultural Overview
- 'Capital Theatre Tamworth, Season 2018'
- 'Capital Theatre Tamworth, Season 2018, Education & Families Series'
- 'Toyota Country Music Festival Tamworth 2018, Official Guide'.

The evidence concluded and the witnesses withdrew.

5.6 Tendered documents

Resolved, on the motion of Mr Graham: That the committee accept and publish the following document tendered during the public hearing:

- Tamworth Arts & Cultural Overview
- 'Capital Theatre Tamworth, Season 2018'
- 'Capital Theatre Tamworth, Season 2018, Education & Families Series'
- 'Toyota Country Music Festival Tamworth 2018, Official Guide'.

6. Site visits to venues that host events during the Tamworth Country Music Festival

Mr Barry Harley and Mr Peter Ross from Tamworth Regional Council provided a guided tour of the following venues that host events during the Tamworth Country Music Festival:

- Tamworth Regional Convention Centre, where the committee met with Mr Robert Elsworthy, Venues Technical Supervisor, Tamworth Regional Council
- The Longyard, where the committee met with Mr Craig Power, Owner and Licensee, The Pub Group
- West Tamworth Leagues Club, where the committee met with Ms Carolyn Stier, Entertainment & Sporting Event Manager, Wests Entertainment Group.

7. **Site visit to The Welder's Dog**

The committee visited The Welder's Dog and met with the following representative:

- Mr Ben Coombes, Owner and Operator.

8. **Adjournment**

The committee adjourned at 10.45 pm, until Friday 14 September 2018 (public hearing in Sydney).

Kate Mihaljek
Committee Clerk

Minutes no. 72

Friday 14 September 2018

Portfolio Committee No. 6 – Planning and Environment

Macquarie Room, Parliament House, Sydney, at 12.03 pm

1. **Members present**

Mr Green (from 4.15 pm)
 Mr Mallard, *Deputy Chair*
 Mr Graham
 Mr Martin

2. **Apologies**

Ms Cusack
 Ms Sharpe
 Ms Walker

3. **Deputy Chair took the Chair**

In the absence of the Chair, the Deputy Chair took the Chair.

4. **Music and arts economy**

4.1 **Public hearing**

Witnesses, the public and the media were admitted.

The Deputy Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witness was sworn and examined:

- Mr John Wardle, Live Music Consultant, APRA AMCOS and the Live Music Office.

Mr Wardle tendered the following document:

- 'Create NSW/Live Music Office – Live and Local Briefing – 13.09.18'

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Ms Jeni Pollard, Place Manager, Penrith City Council
- Ms Rebekah Elliot, City Engagement Officer, Place Management, Penrith City Council
- Ms Kiersten Fishburn, Chief Executive Officer, Liverpool City Council
- Mr Jeffrey Stein, Service Manager, City Events and Festivals, City of Parramatta
- Mr Beau Reid, Project Officer, Economic Development, City of Parramatta.

Mr Mallard advised the committee of his previous work experience with Ms Fishburn.

Ms Pollard tendered the following documents:

- Deloitte, 'Building Western Sydney's Cultural Arts Economy – a key to Sydney's success'
- Urbis, 'Penrith Night Time Economy, Study and Strategy, Final Report'.

Mr Reid tendered the following documents:

- City of Parramatta, 'Night Time Economy Discussion Paper'
- City of Parramatta, 'Culture And Our City'.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Paul Davies, Director, Musicians Media, Entertainment and Arts Alliance
- Mr Adrian Keating, Violinist, Australian Opera and Ballet Orchestra.

Mr Davies tendered the following documents:

- 'MEAA Musicians Survey 2018'
- 'Media, Entertainment and Arts Alliance, supplementary recommendations'.

Mr Keating tendered the following document:

- 'Submission by Adrian Keating'.

The evidence concluded and the witnesses withdrew.

The following witness was admitted:

- Mr Paul Newson, Deputy Secretary, Liquor and Gaming NSW and Office of Racing.

The Deputy Chair noted that Mr Newson had been sworn at an earlier hearing for this inquiry.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Mr Ben Marshall, Head of Contemporary Music, Sydney Opera House.

The evidence concluded and the witness withdrew.

The Chair took the Chair.

The following witnesses were sworn and examined:

- Mr Dave Ruby Howe, Music Director, triple j Unearthed, triple j
- Mr Lachlan Macara, Content Manager, triple j Unearthed and Hack, triple j.

The evidence concluded and the witnesses withdrew.

4.2 Tendered documents

Resolved, on the motion of Mr Mallard: That the committee accept and publish the following documents tendered during the public hearing:

- 'Create NSW/Live Music Office – Live and Local Briefing – 13.09.18'.
- 'Building Western Sydney's Cultural Arts Economy – a key to Sydney's success'
- 'Penrith Night Time Economy, Study and Strategy, Final Report'
- 'Night Time Economy Discussion Paper'
- 'Culture And Our City'
- 'MEAA Musicians Survey 2018'
- 'Media, Entertainment and Arts Alliance, supplementary recommendations'
- 'Submission by Adrian Keating'.

5. Adjournment

The committee adjourned at 4.33 pm, until Thursday 27 September 2018 (public hearing in Sydney).

Kate Mihaljek
Committee Clerk

Minutes no. 73

Friday 27 September 2018

Portfolio Committee No. 6 – Planning and Environment
Macquarie Room, Parliament House, Sydney, at 1.05 pm

1. Members

Mr Green, *Chair* (from 1.06 pm)
Mr Mallard, *Deputy Chair*
Ms Cusack
Mr Graham
Mr Martin
Ms Sharpe (from 1.13 pm)
Ms Walker

2. The Deputy Chair took the Chair

In the absence of the Chair, the Deputy Chair took the Chair.

3. Correspondence

The committee noted the following items of correspondence:

Received:

- 20 September 2018 – Presentation from Mr Barry Harley, Tamworth Regional Council, outlining the benefits of the Tamworth Country Music Festival
- 21 September 2018 – Letter from Mr Colin Jensen, Brisbane City Council, to Chair, endorsing information previously provided by Mr Frank Henry about the Special Entertainment Precinct in Fortitude Valley
- 25 September 2018 – Email from Mr Craig Power, The Pub Group, to committee, correcting inaccuracies given during his evidence to the committee on 23 August 2018
- 25 September 2018 – Graph from Ms Jessie Holmes, BOCSAR, to secretariat, in response to the committee's request for information on assaults in Kings Cross and Sydney CBD entertainment precincts, the proximal displacement area and the distal displacement area
- 26 September 2018 – Email from Ms Genelle Watkins, Create NSW, to committee, correcting an inaccuracy in an answer to question on notice regarding the funding breakdown for MusicNSW

Sent:

- 20 September 2018 – Letter from Chair, to Mr Barry Harley, Tamworth Regional Council, thanking him for facilitating the sites visits in Tamworth
- 20 Septembers 2018 – Letter from Chair, to Mr Robert Elsworthy, Tamworth Regional Council, thanking him for facilitating the site visit to the Tamworth Regional Entertainment and Conference Centre
- 20 Septembers 2018 – Letter from Chair, to Mr Craig Power, The Pub Group, thanking him for facilitating the site visit to The Longyard
- 20 Septembers 2018 – Letter from Chair, to Ms Carolyn Stier, Wests Entertainment Group, thanking her for facilitating the site visit to West Tamworth League Club
- 20 Septembers 2018 – Letter from Chair, to Mr Ben Coombes, The Welder's Dog, thanking him for facilitating the site visit to The Welder's Dog
- 21 September 2018 – Letter from Chair, to Dr Don Weatherburn, NSW Bureau of Crime Statistics and Research, requesting responses to questions regarding crime statistics in certain areas of Sydney, and research on the relationship between live music and violence.

Resolved, on the motion of Ms Cusack: That the committee publish the email sent from Mr Craig Power, and a footnote be inserted on pages 7 and 9 of the transcript from 23 August 2018, noting that Mr Power has sent correspondence to the committee identifying that he had inadvertently provided inaccurate evidence to the committee and including the correct information.

Resolved, on the motion on Ms Cusack: That the committee publish the email sent by Ms Genelle Watkins, Create NSW, to the committee, correcting an inaccuracy in an answer to question on notice regarding the funding breakdown for Music NSW.

4. Music and the arts economy

4.1 Public submission

The committee noted that the following submission was published by the committee clerk under the authorisation of the resolution appointing the committee: submission no. 250a.

4.2 Answers to questions on notice

The committee noted that the following answers to questions on notice were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to questions on notice, Ms Millie Millgate, received 17 September 2018
- answers to questions on notice, the Hon Victor Dominello MP, Minister for Finance, Services and Property, received 20 September 2018
- answers to supplementary questions on notice, Mr Ian Rhodes, Newcastle City Council, received 21 September 2018
- answers to questions on notice and supplementary questions on notice, Ms Jane Huxley, Spotify, received 21 September 2018
- answers to questions on notice and supplementary questions on notice, Mr Anthony Trimarchi, ClubsNSW, received 24 September 2018
- answers to questions on notice, Mr Simon Waterhouse, Liquor & Gaming NSW, received 25 September
- answers to questions on notice, the Hon Gabrielle Upton MP, Minister for Local Government, received 25 September
- answers to questions on notice, Mr Duncan Hill, Tamworth Songwriters Association, received 25 September 2018
- answers to questions on notice, Mr Patrick Cook, Transport for NSW, received 25 September 2018
- answers to questions on notice, Mr Matt Levey, Amazon, received 25 September 2018
- answers to questions on notice, Mr John Whelan, AHA NSW, received 26 September 2018

The Chair took the Chair

4.3 Public hearing

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses was sworn and examined:

- Ms Alex O'Mara, Deputy Secretary, Create NSW
- Ms Elizabeth Scott, Executive Director, Create Investment and Engagement, Create NSW.

The evidence concluded and the witnesses withdrew.

5. Minutes

Resolved, on the motion of Mr Mallard: That draft minutes 68, 69, 70, 71 and 72 be confirmed.

6. Adjournment

The committee adjourned at 1.46 pm, until Friday 2 November 2018 (report deliberative in Sydney).

Kate Mihaljek
Committee Clerk

Minutes no. 75

Friday 2 November 2018

Portfolio Committee No. 6 – Planning and Environment

McKell Room, Parliament House, Sydney at 10.02 am

1. Members present

Mr Green, *Chair*

Mr Mallard, *Deputy Chair*

Ms Cusack

Ms Faehrmann (substituting for Ms Walker)

Mr Graham

Mr Martin

Ms Sharpe

2. Previous minutes

Resolved, on the motion of Mr Mallard: That draft minutes nos 73 and 74 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received

- 5 October 2018 - Email from Ben Marshall, Sydney Opera House, to secretariat, correcting evidence given at Sydney public hearing on 14 September 2018
- 9 October 2018 – Letter from Dr Don Weatherburn, NSW Bureau of Crime Statistics and Research, to Chair in response to request for information
- 22 October 2018 – Letter from Ms Gayle Sloan and Mr Garth Lamb, Waste Management Association of Australia, to the secretariat, outlining concerns with the government response to the Report on 'energy from waste' technology
- 22 October 2018 – Email from Ms Kerri Glasscock, Sydney Fringe Festival, to secretariat, attaching letter from the NSW Police Force proposing that the development consent for the 2017 Sydney Fringe Festival include provisions for 'no dancing and no djs' [see 4.4]

- 23 October 2018 – Email from Mr Nicholas Pickard, APRA AMCOS, to secretariat, attaching APRA AMCOS submission to federal parliamentary inquiry into the music industry
- 23 October 2018 – Letters from Mr Jon Bisset, Community Broadcasting Association of Australia, to members and the secretariat issuing invitations to visit local community radio stations
- 25 October 2018 – Email from Mr John Wardle, Live Music Office, to secretariat, attaching R v Andrew James Biggs, and 2013/00369395 - Andrew James Biggs v R [see 4.4].

4. Inquiry into the music and arts economy in New South Wales

4.1 Public submissions

The committee noted that the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 283a, 387, 426-437.

4.2 Answers to questions on notice

The committee to note that the following answers to questions on notice were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answer to questions on notice, Commissioner M J Fuller APM, NSW Police, received 25 September 2018
- answers to questions on notice, Ms Holly Friedlander Liddicoat, Community Broadcasting Association of Australia, received 26 September 2018
- answers to questions on notice, Ms Holly Friedlander Liddicoat, FBi Radio, received 26 September 2018
- answers to questions on notice, Clr Jess Scully, City of Sydney, received 2 October 2018
- answer to question on notice, Mr Angus Ng, Inner West Council, received 4 October 2018
- answers to question on notice, Ms Anna Yanatchkova, Sydney Opera House, received 5 October 2018
- answer to supplementary question on notice, Mr Paul Davies, MEAA, received 5 October 2018
- answer to question on notice, Ms Alison Frame, NSW Department of Planning and Environment, received 5 October 2018
- answers to supplementary questions on notice, Ms Despina Sidiropoulos, Liverpool City Council, received 5 October 2018
- answers to supplementary questions on notice, Mr John Wardle, Live Music Office, received 5 October 2018
- answers to supplementary questions on notice, Ms Ruth Murphy, Liquor and Gaming NSW, received 8 October 2018
- answers to supplementary questions on notice, Ms Ruth Murphy, Liquor and Gaming NSW, received 10 October 2018
- answer to question on notice, Ms Margaret Kay, Local Government NSW, received 12 October 2018
- answers to questions on notice and supplementary questions on notice, Mr Ross McCulloch, Create NSW, received 17 October 2018
- answers to supplementary questions on notice, Ms Cristal Chovaned, ARIA received 19 October 2018
- answers to questions on notice, Mr Beau Reid, City of Parramatta, received 26 October 2018.

4.3 Confidential answers to questions on notice

Resolved, on the motion of Mr Graham: That the answers to questions on notice received from Witness A be kept confidential to the committee.

4.4 Documents to be published for the report

Resolved, on the motion of Mr Graham: That the following items of correspondence be published:

- Submission 246, Attachment 5, City of Sydney Live Music and Performance Action Plan
- 29 May 2018 – Email from Ms Alexandra Heffernan, Lazy Bones Lounge, to Chair, regarding concerns discussed during site visit on 28 May 2018

- Attachment A – Correspondence from Senior Constable Sian Morganto, Inner West Police Area Command, to Mr Atalay Bas, General Manager, Development Applications, Inner West Council, 18 April 2018, Adjournment
- Attachment B – Liquor Licence LIQO624007703
- Attachment C – 'LBs refute the police submissions'
- 21 September 2018 – Letter from Mr Colin Jensen, Brisbane City Council, to Chair, endorsing information previously provided by Mr Frank Henry about the Special Entertainment Precinct in Fortitude Valley, Attachment A - Explanation of Fortitude Valley Special Entertainment Area
- 22 October 2018 – Email from Ms Kerri Glasscock, Sydney Fringe Festival, to secretariat, attaching letter from the NSW Police Force proposing that the development consent for the 2017 Sydney Fringe Festival include provisions for 'no dancing and no djs' – Attachment A – Letter from Redfern Police Licensing Office to City of Sydney Council, proposing that the development consent for the 2017 Sydney Fringe Festival include provisions for 'no dancing and no djs'
- 25 October 2018 – Email from Mr John Wardle, Live Music Office, to secretariat, attaching R v Andrew James Biggs, and 2013/00369395 - Andrew James Biggs v R, Attachment B - 2013/00369395 - Andrew James BIGGS v R.

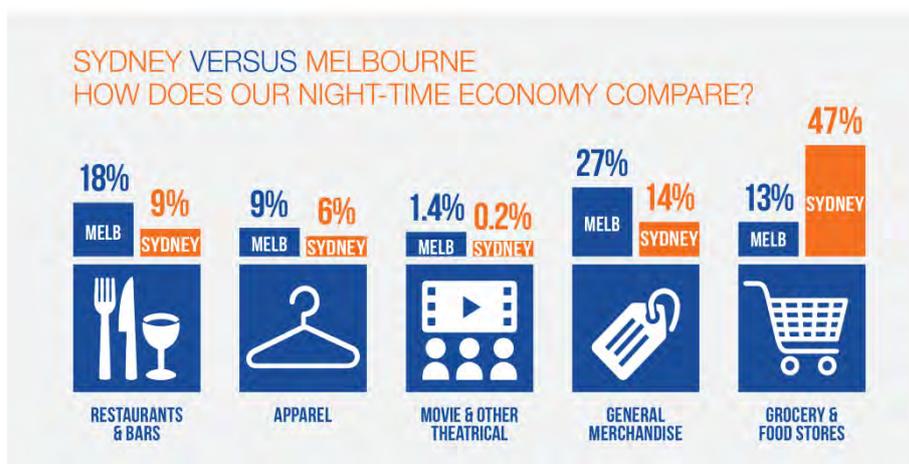
4.5 Consideration of Chair's draft report

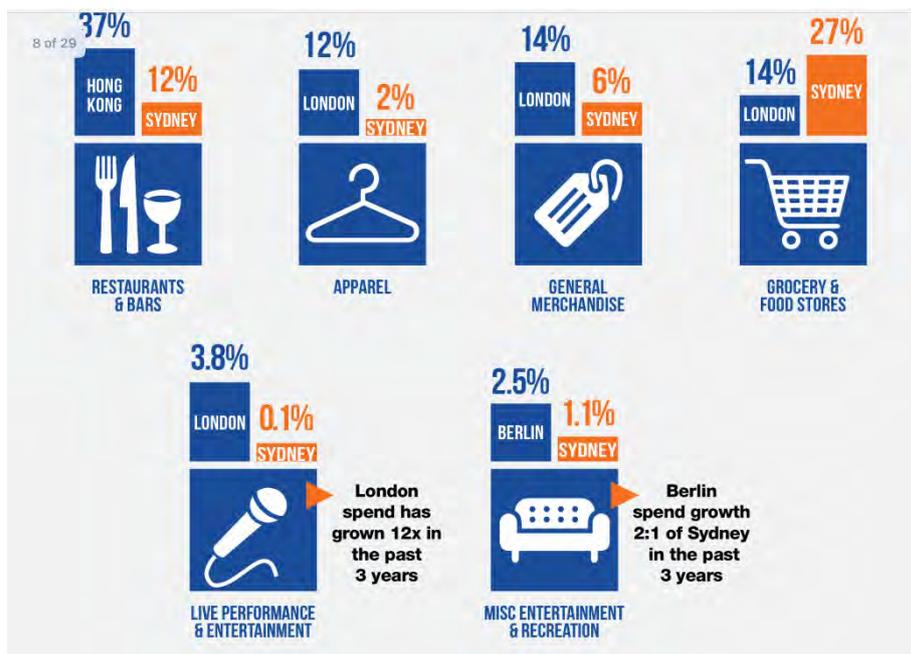
The Chair submitted his draft report entitled ‘The music and arts economy in New South Wales’ which, having been previously circulated, was taken as being read.

Chapter 1

Resolved, on the motion of Mr Graham: That Case study: *Sydney As a 24-Hour City* on page 6 be amended by inserting after paragraph 2: 'The report found that: In some parts of Sydney after 11pm, 74 per cent of visitors are aged 15-30 years, and options are often limited to drinking, takeaway food or convenience stores. Typically, only 6 per cent of people in the city after 11pm are over 40 and other options must be provided to attract different demographics'.

Resolved, on the motion of Mr Graham: That the following graphics from the Committee for Sydney report *Sydney As A 24-Hour City* be inserted before 1.26:





Chapter 3

Resolved, on the motion of Mr Graham: That Chapter 3 be moved to Chapter 2, and that the heading be amended by inserting "The potential of" before "Contemporary music in New South Wales".

Resolved, on the motion of Mr Graham: That the following new finding be inserted after paragraph 3.12:

'Finding X

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.'

Resolved, on the motion of Mr Graham: That the following new paragraphs be inserted after 3.44:

'In Victoria the establishment of a Music Development Office is aimed at leading 'a range of programs and projects aimed at strengthening music businesses and building markets for Victorian music'.

'Delivered by Music Victoria and supported by an industry steering committee, the Office will run business development and advice service for music businesses. It will also undertake research and provide training to help the industry master new developments and disruptions in areas such as technological change.'

Resolved, on the motion of Mr Graham: That paragraph 3.46 and Recommendation 4 be amended by inserting 'senior' before 'ongoing full-time contemporary music specialist'.

Resolved, on the motion of Mr Graham: That paragraph 3.69 be amended by inserting 'New South Wales is the only mainland without a contemporary music strategy.' before 'while it is disappointing'.

Resolved, on the motion of Mr Graham: That Recommendation 8 be omitted: "That Create NSW, in conjunction with music industry stakeholders and Destination NSW, develop and implement a marketing campaign that encourages people to attend live music gigs and events", and the following new recommendation be inserted instead:

'Recommendation X

'That Create NSW fund Music NSW to develop and implement, in conjunction with music industry stakeholders and Destination NSW, a marketing campaign that encourages people to attend live music gigs and events'.

Resolved, on the motion of Mr Graham: That paragraph 3.72 be amended by omitting 'the Victorian Government has invested approximately \$22 million over four years' and inserting instead 'the Victorian Government has invested approximately \$27 million over four years'.

Resolved, on the motion of Mr Graham: That paragraph 3.72 be amended by omitting 'investing a total of \$35 million over the four years of forward estimates' and inserting instead 'investing at least \$35 million over the four years of forward estimates'.

Resolved, on the motion of Mr Graham: That the following new finding be inserted after paragraph 5.73:

'Finding X

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 forward estimates.'

Resolved, on the motion of Mr Graham: That the following new recommendation be inserted before paragraph 3.74:

'Recommendation X

That as a part of a contemporary music strategy, the allocation of funding should be determined by music industry organisations, with appropriate oversight from Create NSW.'

Resolved, on the motion of Mr Graham: That paragraph 3.74 and Recommendation 11 and be amended by omitting: 'That Create NSW contribute appropriate funding to Sounds Australia to support the export of music from New South Wales' and inserting instead: 'That as a part of a contemporary music strategy, Create NSW contribute appropriate funding to Sounds Australia to support the export of music from New South Wales'.

Resolved, on the motion of Mr Graham: That paragraph 3.75 be amended by omitting 'police' and inserting instead 'Office of Liquor, Gaming and Racing; Victoria Police Liquor Licensing Unit; Victoria Police Drug and Alcohol Safety Unit Department of Environment, Land, Water and Planning; the Environment Protection Authority and the Victorian Commission for Gambling and Liquor Regulation'.

Resolved, on the motion of Mr Graham: That paragraph 3.75 be amended by omitting 'we therefore recommend that Create NSW convene' and insert instead 'We therefore recommend that Create NSW establish and convene'

Resolved, on the motion of Mr Graham: That the following new recommendation be inserted after paragraph 3.85:

'Recommendation X

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.'

Chapter 4

Resolved, on the motion of Mr Martin: That the following new paragraphs be inserted before paragraph 4.11:

'Mr Marcus Wright, Director of Big Apachee, suggested that the union [Musicians' Union of Australia] is considered more token than anything that actually achieves anything. [FOOTNOTE: Submission 242, Big Apachee, p 1.]

Mr Wright also stated: 'Musicians are getting paid less than what they were 22 years ago ... I know some venues where I actually still work at where the pay rate has not changed in 15 years. I do not know if any other industry could say the same thing'. [FOOTNOTE: Evidence, Mr Marcus Wright, Director, Big Apachee, 23 August 2018, p 23.]

This was supported by Mr Grant Walmsley of The Screaming Jets who said: 'I was making a living in 1985 to 1987 playing music and I can tell you for a fact that the pay grade has gone down considerably'. [FOOTNOTE: Evidence, Mr Grant Walmsley, The Screaming Jets, 23 August 2018, p 23.]

Resolved, on the motion of Mr Graham: That:

- a) paragraph 4.34 be amended by omitting 'The committee recommends that Create NSW, in conjunction with the music industry, establish a code of conduct, modelled on the template provided by the Media, Entertainment and Arts Alliance, outlining the minimum hourly rate requirements,' and inserting instead 'As a part of a contemporary music plan the committee supports an industry code of conduct in principle. The committee recommends that Create NSW support and adopt an industry code of conduct that is developed and endorsed by the Media Entertainment Alliance and the music industry, and that includes an outline of the minimum hourly rate requirements'.
- b) paragraph 4.34 be amended by inserting at the end: 'The committee further recommends that the NSW Government ensure that when government funding is being applied to the sector that in principle a minimum payment threshold set out in the industry code of conduct be applied'
- c) Recommendation 14 be omitted: 'That Create NSW, in conjunction with the music industry, establish a code of conduct, modelled on the template provided by the Media, Entertainment and Arts Alliance, outlining the minimum hourly rate requirements', and the following new recommendation be inserted instead:

'That Create NSW support and adopt an industry code of conduct that is developed and endorsed by the Media Entertainment Alliance and the music industry, and that includes an outline of the minimum hourly rate requirements'.
- d) the following new recommendation be inserted after Recommendation 14:

'Recommendation X
That when NSW Government funding is being applied in the sector, that in principle a minimum payment threshold set out in an Industry code of conduct be applied.'
- e) That paragraph 4.35 be amended by inserting 'fund MusicNSW to' after 'the committee recommends that Create NSW'.
- f) That Recommendation 15 be amended by inserting 'fund MusicNSW' after 'That Create NSW to'.

Chapter 5

Resolved, on the motion of Mr Graham: That Chapter 5 be moved to Chapter 3, and that the heading be amended by omitting 'Live Music Venues' and inserting instead 'The Music Venue Crisis'.

Resolved, on the motion of Mr Graham: That paragraph 5.10 be amended by inserting the following new finding at the end:

'Finding X

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.'

Resolved, on the motion of Mr Graham: That Case study: The Basement on page 69 be amended by omitting 'hosted live music for more than 20 years' after '7 Macquarie Place has' and inserting instead 'been operating since 1973'.

Resolved, on the motion of Mr Graham: That paragraphs 5.21-5.23 be moved to after paragraph 5.31 and that the paragraphs be preceded by a level three heading: 'Newcastle lockouts'.

Resolved, on the motion of Mr Graham: That the following new paragraphs be inserted after paragraph 5.29:

'However, there was some concern from stakeholders that extending the trading time for certain venues, rather than all venues, was an ineffective means of increasing patron numbers and sales. For example, the committee received evidence that extending the opening time for small bars until 2 pm had resulted in minimal economic benefits for these venues. The NSW Independent Bars Association (formerly Sydney Small Bars) stated that 'in the absence of a vibrant nightlife scene [many small bars] do not wish to trade through to 2AM as it would not be economically viable.' [FOOTNOTE: Submission 252, Sydney Small Bars, p 1].

'The Oxford Art Factory expressed a similar concern, noting that extending trade until 2 am had had no impact on its business:

The change to our trading hours has seen no benefit whatsoever to the business. There has been no increase in trade or attendance, in fact we are still very much on the same downward spiral as we were prior to it being granted. The reason is that the public perception of the entire Oxford Street precinct continues to be one of closure at 1:30am...a no-go zone for any late-night activities and not worth going to anymore. Oxford Street nowadays starts to look like a ghost town after midnight on weekends, after 1:30AM you can count the foot traffic on one hand ... To my knowledge, no small bars have taken up the opportunity to extend their trading to 2am ... [FOOTNOTE: Submission 269, Oxford Art Factory, p 2].

Resolved, on the motion of Mr Graham: That the following new paragraph be inserted after paragraph 5.30:

'Inquiry participants emphasised that once live music venues in Sydney close, they often do not re-open as creative spaces. For example, Mr Nicholas Drabble and Mr Stuart Turner, who perform together as Set Mo, informed the committee that many of venues they previously performed such as Cuba, Moulin Rouge, Dragonfly, Favela, Goldfish, Beach Haus, Trademark, Piano Room, Kit and Kaboodle, the BackRoom, and Ruby Rabbit, closed and no longer host live music. [FOOTNOTE: Evidence, Mr Nicholas Drabble, Artist, Set Mo, and Mr Stuart Turner, Artist, Set Mo, 28 May 2018, p 37.]

'Ms Kristy Lee Peters, who performs as KLP, told the committee that many live music venues in Sydney have closed, and when they have re-opened they often no longer host music venues 'because they have either lost their licences or have had to change'. Ms Peters noted that one former live music venue in Kings Cross has become a bowling alley. [FOOTNOTE: Evidence, Ms Kristy Lee Peters, Artist, 24 August 2018, p 32.]

Resolved, on the motion of Mr Graham: That the following new committee comment be inserted before paragraph 5.32:

'The committee believes that Sydney, and New South Wales, has a music venue crisis'.

Ms Faehrmann moved: That the following new recommendation be inserted before paragraph 5.35:

'Recommendation X

'That the NSW Government repeal the Sydney lockout laws'.

Question put and negatived.

Resolved, on the motion of Ms Faehrmann: That the following new committee comment be inserted before paragraph 5.35

'Committee comment

We recognise that a lot of evidence received by the committee spoke to the negative impact that the Sydney lockout laws have had on live music venues and performers. Evidence provided to the committee from many stakeholders, including venue owners and prominent musicians, clearly indicates that lockout laws have contributed to a reduction of live music bookings, a contraction of the live music scene and the closure of numerous live music venues in inner Sydney'.

Resolved, on the motion of Mr Graham: That the Case study: Client Liaison on pages 78-79 be amended by inserting at the end of paragraph 4 'Client Liaison expressed concern that given the state of venues they would not have been able to develop their career in the same way.' [FOOTNOTE: Mr Harvey Miller, Artist, Client Liaison, 8 August 2018, p 45]'

Resolved, on the motion of Mr Graham: That the level two heading above paragraph 5.50 be amended by inserting 'national' before 'touring network.'

Resolved, on the motion of Mr Graham: That paragraph 5.51 be amended by inserting at the end 'The effect is that bands based in cities like Melbourne and Brisbane lack opportunities to tour in Sydney due to the limited number of small-medium venues.'

Resolved, on the motion of Mr Graham: That the following new paragraph be inserted before paragraph 5.56:

'Mr Scott Baldwin from The Rubens, stated that '... international people who are on that side of art and music and being creative, they would much rather go down to Melbourne.... if The Rubens were starting out today I do not know where we would be or if that would even happen in the kind of environment that we have now' [FOOTNOTE: Evidence, Mr Scott Baldwin, Artist, The Rubens, 24 August 2018, p 30]'

Resolved, on the motion of Mr Graham: That the following new paragraph be inserted before paragraph 5.56:

'Ms Kristy Lee Peters, who performs as KLP, stated: 'Many successful musicians move overseas because there is not much left here to nourish a creative career. It is not only hard enough to make an income, but there is a lack of inspiration and support systems in place to progress so you can make a mark on an international level' [FOOTNOTE: Evidence, Ms Kristy Lee Peters, Artist, 24 August 2018, p 29]'

Resolved, on the motion of Mr Graham: That Recommendation 24 be amended by omitting 'That Create NSW support' and inserting instead 'That Create NSW fund Music NSW to support'.

Resolved, on the motion of Mr Graham: That Recommendation 25 be amended by omitting 'That Create NSW engage' and inserting instead 'That Create NSW fund MusicNSW to engage'.

Resolved, on the motion of Mr Graham: That paragraph 5.85 and Recommendation 26 be amended by inserting 'like the City of Sydney's new music room at the Green Square Library' after 'that include plug and play infrastructure'.

Resolved, on the motion of Mr Graham: That paragraph 5.85 and Recommendation 27 be amended by inserting 'work with MusicNSW to' after 'That Create NSW'.

Resolved, on the motion of Mr Graham: That the following new recommendation be inserted after paragraph 5.95:

'Recommendation X

'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'.

Ms Faehrmann moved: That:

Recommendation 28 be omitted: 'That the NSW Government develop a community benefit fund, similar to the fund operating in South Australia, that uses the revenue from gaming machines to support the live music industry' and the following new recommendation be inserted instead:

'Recommendation X

That the NSW Government recognise the detriment that introducing poker machines to hotels has caused to live music and commit to phasing out poker machines in hotels.'

10.59 Question put and negatived.

10.60 Resolved, on the motion of Mr Martin: That the following new paragraph be inserted after paragraph 5.121:

10.61 'Renew Newcastle is a venture in Newcastle that has operated since 2008 and aims to connect people with vacant spaces, supporting a community of creative entrepreneurs who bring life, interest and activity into underutilised neighbourhoods. Filing these empty spaces has created a series of flow on effects such as reducing crime, graffiti, vandalism and giving a significant economic and social value back to the community that has attracted business and residential

interest in the city.' [FOOTNOTE: Renew Newcastle, About, <http://renewnewcastle.org/about/>].

10.62 'Mr Rhodes argued that a similar style approach to the creation of venues for music could be considered: 'Renew Newcastle, as you are aware, has been very successful in, organically, redeveloping the city centre in a temporary sense, It has not include music venues but a version of it could include music at a pop-up or small scale just to give those fledgling businesses a start'. [FOOTNOTE: Mr Ian Rhodes, Community Planning Officer, Newcastle City Council, 23 August 2018, p 6.]

10.63 Resolved, on the motion of Mr Mallard:

- a) That paragraph 5.123 be amended by omitting 'That the NSW Government immediately identify and repurpose a premises in inner Sydney for music rehearsals, and the government subsidise this new facility to ensure that musicians can afford to use it',
- b) That Recommendation 29 be omitted: 'That the NSW Government immediately identify and repurpose a premises in inner Sydney for music rehearsals, and the government subsidise this new facility to ensure that musicians can afford to use it', and the following new recommendation be inserted instead:

10.64 **'Recommendation X**

10.65 That the NSW Government, in consultation with local government, identify existing rehearsal spaces in Sydney and develop a program of grants via local government to increase the accessibility of those spaces for musicians either through rental subsidies or the expansion of rehearsal spaces.'

10.66 **Chapter 6**

10.67 Resolved, on the motion of Mr Martin:

- a) That the following new paragraph be inserted before paragraph 6.34:

10.68 'Ms Hardie suggested that application assistance could assist new creative businesses to set up: . A lot of them are just general people who have no experience with the planning system at all so it can be quite overwhelming to start, particularly when they are young people trying to get into the industry and that as well, it is not something they are familiar with. It can be quite daunting to get into that process and have to speak to planners who speak a bit of a different language sometimes than the general public.' [FOOTNOTE: Ms Samantha Hardie, Chair, Night Time Economy Working Group, Lake Macquarie City Council, 23 August 2018, p 10]'

- b) That paragraph 6.34 be amended by omitting dot point 3 'providing funding assistance and application assistance for new venues to help them through the development consent process'.

Resolved, on the motion of Mr Graham: That the following new recommendation be inserted after paragraph 6.79:

'Recommendation X

That Create NSW engage with local government through the NTE Councils' Committee (NTECC), on how State and Local Government can collaborate to support the development of more music, arts, creative and theatre spaces to grow our cultural infrastructure'.

Resolved, on the motion of Mr Graham: That the following new recommendation be inserted after Recommendation 35:

'Recommendation X

That the NSW Department of Planning and Environment introduce exempt and complying development for low impact entertainment.'

Resolved, on the motion of Mr Graham: That:

- a) the following new paragraph be inserted after paragraph 6.94:

'The committee believes that the Sydenham Creative Hub is a unique precinct that can support our creative industries due to its development constraints under the Sydney Airport flight path and in the inner west, home to some of the highest numbers of musicians and artists in the country. The committee notes that the Sydenham Creative Hub proposal would enable the development of this potential culturally significant precinct, one of the last few of its scale in Sydney. The committee recommends that the Government consider the state significant nature of the Sydenham Creative Hub proposal if the Inner West Council continues to refuse approval'.

- b) The following new recommendation be inserted after new paragraph 6.95:

'Recommendation X

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

Chapter 7

Resolved, on the motion of Mr Graham: That the following quotation dot points be added to the list in paragraph 7.5:

- 'The licensee shall not permit live entertainment or the playing of disco music on the premises.
- Drum entertainment groups are prohibited.
- Drum entertainment groups are prohibited from using their instruments outside the premises at all times.
- Music to be provided by not more than a three (3) piece musical ensemble.
- At no time shall live entertainment (if permitted) include music provided by rock'n'roll or disco bands.
- Any live entertainment (if permitted), shall cease thirty (30) minutes before the hotel's closing time.
- No speakers shall be affixed to the exterior of the hotel or placed outside the hotel.
- Entertainment by way of Rock & Roll Bands to cease forthwith and not to resume until licensee satisfies the Board that the hotel can meet noise conditions attached to the Entertainment Authorisation.
- Entertainment is to be provided of two (2) performances of not less than forty five (45) minutes duration, one (1) before and one (1) after 12:00 midnight. Dance music is to be provided at other times.
- Entertainment allowed in the Beer Garden to be of a non-offensive acoustic style and to be played no later than 7:30PM on any given day.
- Entertainment is to be confined to solos, duos, small cover bands and country and western music - no large rock bands and the like are to provide entertainment.
- All doors and windows of the entertainment area are to be closed when entertainment is to be provided.
- Jazz, Folk and Popular music may be performed by live musicians provided that the LA10* noise level emitted from the licensed premises does not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz - 8kHz inclusive) by more than 5dB between 7:00am and 12:00 midnight at the boundary of any affected residence. If the premises ever trade beyond 12:00 midnight, the LA10* noise level emitted from the licensed premises is not to exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) between 12:00 midnight and 7:00am at the boundary of any affected residence. Notwithstanding compliance with the above, the noise from the licensed premises is not to be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00am. Interior noise levels which still exceed safe hearing levels are in no way supported or condoned by the Office of Liquor, Gaming and

Racing. * For the purposes of this condition, the LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises.

- Entertainment is to be restricted to Solo Artists, Duo's, Trio's, Cover Bands, Jazz Groups but not Hard Rock Bands or any bands or group emitting noise levels (when measured in the centre of the dance floor) greater than 90dB(A).
- Live entertainment is to be restricted to solo artists, duos, trios, jazz groups but not rock bands or any bands or groups emitting noise levels when measured in the centre of the dance floor greater than 105 decibels.
- There is to be no disco type entertainment on the premises and the only entertainment permitted is a guitarist and keyboard player or the playing of compact disks of a 'soft' rock and roll nature.
- That the type of music played on the premises is to be limited to jazz and rock & roll.
- Entertainment is to be restricted to solo acoustic artists either outside the venue, or in the corner of the licensed premises.

Resolved, on the motion of Mr Graham: That:

- a) the Goros case study on page 125 be amended by inserting 'The Mirror Ball' after 'Goros' in the title.
- b) the Terrigal Hotel case study on page 126 be amended by inserting 'No rock music' after 'Terrigal Hotel' in the title.

Resolved, on the motion of Mr Graham: That paragraph 7.18 be amended by omitting 'Liquor & Gaming NSW has not imposed such conditions' and inserting instead 'Liquor & Gaming has only imposed one such condition in response to a proposed amendment to a 'no live entertainment' clause' [FOOTNOTE: Answers to questions on notice, Liquor & Gaming NSW, received 8 October 2018, p 1].

Resolved, on the motion that paragraph 7.24 and Recommendation 37 be amended by omitting 'That the NSW Government amend liquor legislation to remove outdated conditions for liquor licences that place unnecessary restrictions on certain entertainment live music venues' inserting instead 'That the NSW Government review and amend liquor legislation to remove outdated conditions for liquor licences and development applications that place unnecessary restrictions on certain entertainment live music venues'.

Resolved, on the motion of Mr Graham: That the following new paragraph be inserted after paragraph 7.24:

'The committee believes that it is important to carefully regulate noise, the service of alcohol and operating hours in venues. The committee also believes that regulating entertainment conditions as a proxy for these issues is not defensible. Matters such as banning live music, banning entertainment, the genre of music, the instruments, the number of musicians on stage, the direction of the stage faces, the lighting or the way that venues are decorated should not be matters for regulation.'

Resolved, on the motion of Mr Graham: That paragraph 7.24 and Recommendation 38 be amended by omitting 'That the NSW Government seek input from the Live Music Office to develop measures to remove outdated conditions that unnecessarily restrict music in venues' and inserting instead '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'.

Resolved, on the motion of Mr Graham: That the following new paragraph and recommendation be inserted Recommendation 38:

'The committee believes that in principle that security requirements should be evidence-based, rather than rely on a simple formula or a rule of thumb. We therefore recommend that the NSW Government ensure that security requirements for licensed venues be evidence-based.'

'Recommendation X

That the NSW Government ensure that security requirements for licensed venues be evidence-based'.

Chapter 8

Resolved, on the motion of Mr Graham: That paragraph 8.3 be amended by omitting 'noise' after 'Entertainment venues, particularly those featuring live music, by their very nature emit' and inserting instead 'sound'.

Resolved, on the motion of Mr Graham: That paragraph 8.1 be amended by inserting 'Property NSW' after 'the NSW Department of Planning and Environment'.

Resolved, on the motion of Mr Graham: That paragraph 8.17 be omitted:

'Mr Anthony Trimarchi, Manager, Policy and Government, ClubsNSW, told the committee that the Lowlands Bowling Club in the Hunter region received a noise complaint from a local resident in response to a ukulele class that was taking place on outside bowling green.⁸⁹⁹ The details are examined in the case study below', inserting instead the following new case study:

'Case study: Lowlands Bowling Club: The ukulele classes

Music teacher Ms Jane Jelbart, taught a ukulele class outside on the underutilised bowling green of the Lowlands Bowling Club. The average age of the class was 65, with members of the community wanting to engage in alfresco music classes.

On a Monday night at 5.30 pm, the club received a noise complaint by a local resident, known to the club. Following the noise complaint, the outside ukulele classes could no longer take place. [FOOTNOTE: Evidence, Mr Anthony Trimarchi, Manager, Policy and Government, ClubsNSW, 24 August 2018, p 16. Also see, Mr Tim Connell, Newcastle Herald, Ukulele class prompts Cooks Hill Noise Complaint, 3 April 2017, [https://www.theherald.com.au/story/4573807/rockin-bowlo-aint-noise-pollution-says-teacher/.](https://www.theherald.com.au/story/4573807/rockin-bowlo-aint-noise-pollution-says-teacher/)]

Resolved, on the motion of Mr Graham: That the following new committee comment and recommendation be inserted after paragraph 8.46:

'Committee comment

The committee notes concerns that the *Protection of the Environment Operations Act 1997* includes a subjective test for measuring 'offensive noise' for licensed venues. We believe a subjective test is inappropriate in such circumstances as it leaves too much room for variation and personal opinion. The committee recommends that the NSW Government amend the *Protection of the Environment Operations Act 1997* to include an objective test for 'offensive noise' from licensed venues.

'Recommendation X

'That the NSW Government amend the *Protection of the Environment Operations Act 1997* to include an objective test for 'offensive noise' from licensed venues'.

Resolved, on the motion of Mr Graham: That Recommendation 44 be amended by omitting 'removing regulatory and compliance responsibilities for noise from licensed venues from all bodies except Liquor and Gaming NSW' after 'the government give consideration to' and inserting instead 'establishing a one stop shop for noise regulation. This may be achieved by either removing or referring regulatory and compliance responsibilities for noise from licences venues, and establishing Liquor and Gaming NSW as the lead agency'.

Chapter 9

Resolved, on the motion of Mr Graham: That the following new committee comment be inserted before paragraph 9.70:

'Committee comment

⁸⁹⁹ Evidence, Mr Anthony Trimarchi, Manager, Policy and Government, ClubsNSW, 24 August 2018, p 16. Also see, Mr Tim Connell, Newcastle Herald, Ukulele class prompts Cooks Hill Noise Complaint, 3 April 2017, [https://www.theherald.com.au/story/4573807/rockin-bowlo-aint-noise-pollution-says-teacher/.](https://www.theherald.com.au/story/4573807/rockin-bowlo-aint-noise-pollution-says-teacher/)

The committee is concerned at the perception that only publicly funded events and organisations are able to afford the cost, and navigate the regulatory burden of delivering events in New South Wales.

Resolved, on the motion of Ms Sharpe: That the following new committee comment be inserted after paragraph 9.70:

'Committee comment

The committee acknowledges the significant financial risk, such as securing artists and investing in their sites, taken on by festival operators prior to staging their events. It is unacceptable that these operators are required to undertake these activities without any permanent tenure.

Resolved, on the motion of Ms Sharpe: That:

- a) the following new committee comment be inserted after paragraph 9.70

'Committee comment

'The committee is supportive of the continuing operation of the North Byron Parklands as a festival site. The committee recommends that the NSW Department of Planning and Environment should ensure that the outstanding planning application is determined by the end of 2018'.

- b) **'Recommendation X**

That the NSW Department of Planning and Environment should ensure that the outstanding planning application is determined by the end of 2018.'

Resolved, on the motion of Mr Graham: That Recommendation 46 be amended by inserting ' noting that the Melbourne Fringe Festival receives \$367,000 per annum' after 'That the NSW Government increase funding to the Sydney Fringe Festival'.

Chapter 10

Resolved, on the motion of Mr Graham: That Recommendation 49 be amended by omitting 'place' and inserting instead 'amend advertising guidelines to encourage' after 'That the NSW Government investigate opportunities.'

Resolved, on the motion of Mr Graham: That the following new committee comment be inserted prior to paragraph 10.53:

'Committee comment

'The committee believes that the rise of streaming services is a positive force shaping the New South Wales music scene. It is important that these major changes in how music is listened to, and purchased, are the subject of public discussion and debate. The committee thanks Spotify and Amazon as leading companies prepared to participate in this public discussion'.

Resolved, on the motion of Mr Mallard: That the report be tabled on Thursday 15 November 2018.

Resolved, on the motion of Mr Graham: That the committee note its appreciation for the hard work and diligence of the secretariat during this inquiry.

5. Inquiry into the circumstances of the appearance of Mr Peterson during the Crown land inquiry

The Chair circulated a briefing paper setting out the circumstances of the appearance of Mr Nicholas Peterson during the Crown land inquiry.

6. Adjournment

The committee adjourned at 12.09 pm until Tuesday 13 November 2018 (*report adoption deliberative*).

Kate Mihaljek
Committee Clerk

Draft minutes no. 76

Tuesday 13 November 2018

Portfolio Committee No. 6 – Planning and Environment

Room 1254, Parliament House, Sydney at 12.30 pm

1. Members presentMr Green, *Chair*Mr Mallard, *Deputy Chair*

Ms Cusack

Mr Graham

Mr Martin

2. Previous minutes

Resolved, on the motion of Mr Mallard: That draft minutes no. 75 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received:

- 2 November 2018 – Letter from Ms Ruth Murphy, Liquor & Gaming, providing response to request for information on Clubgrants
- 5 November 2018 – Letter from Mr Tony Khoury, Waste Contractors & Recyclers Association of NSW, to secretariat, expressing disappointment in the government response to the Report on energy from waste technology

Sent:

- 29 October 2018 – Email from secretariat, to Liquor & Gaming NSW, requesting response to request for information on Clubgrants.

4. Inquiry into the music and arts economy in New South Wales**4.1 Answers to questions on notice**

The committee noted that the following answers to questions on notice were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to questions on notice, Mr Lee Aitken, SAE, received 29 August 2018
- answer to question on notice, Kris Durran, Environment Protection Authority, received 6 November 2018

4.2 Further consideration of Chair's draft report

Resolved, on the motion of Mr Graham: That:

- the draft report, as amended, be the report of the committee and that the committee present the report to the House
- the transcripts of evidence, submissions, tabled documents, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry be tabled in the House with the report;
- upon tabling, all unpublished attachments to submissions be kept confidential by the committee
- upon tabling, all unpublished transcripts of evidence, submissions, tabled documents, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry, be published by the committee, except for those documents kept confidential by resolution of the committee
- the committee secretariat correct any typographical, grammatical and formatting errors prior to tabling the committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee

- dissenting statements be provided to the secretariat within 24 hours after receipt of the draft minutes of the meeting
- the report be tabled on 15 November 2018
- the Chair hold a press conference on 15 November 2018 at 1.15 pm.

5. Adjournment

The committee adjourned at 12.37 pm until Wednesday 14 November 2018 (*budget estimates report deliberative*).

Jenelle Moore
Committee Clerk

Appendix 10 Dissenting statement

Ms Cate Faehrmann MLC, The Greens

This inquiry has been a collaborative and positive effort from all members to understand and investigate the factors affecting the music and arts economy in NSW. Many of the recommendations will undoubtedly benefit the music and arts economy in this state if they are implemented. There are however two key concerns I have with the final report.

1. The Sydney lock out laws

I am concerned that the report has failed to address one of, if not the biggest, issue affecting the availability of venues for live music in Sydney: The NSW Government's lock out laws.

The evidence and submissions from many stakeholders, including venue owners and prominent musicians, clearly expressed the harm the lockout laws have caused to live music in Sydney. The lockout laws have been directly linked to venues cutting back their live music schedule, a contraction of the live music scene and the closure of numerous live music venues in inner Sydney.

Isabella Manfredi, from *The Preachers*, in her statement summarised how quickly the live music scene has changed in Sydney since the introduction of the lockout laws:

"I will tell the Committee a little bit about my band. The Preachers began in 2008, and we have cut our teeth playing gigs at Camperdown Bowling Club, Drummoyne RSL Memorial and Community Club, Spectrum, Q Bar, Deans, Candys Apartment, Bar Me, The Flinders Hotel, The World Bar, the Gaelic Club Sydney, the Hopetoun Hotel, the Sandringham Hotel, the Lizard Lounge, The Standard, the Hi Fi Bar, Oxford Art Factory, the Lansdowne Hotel, and Club 77. Only two of these places still exist as live music venues. The rest form part of the almost 200 venues that have closed since the lockout zone was introduced in 2014."

The committee report acknowledges this, saying:

"there was strong sentiment amongst certain inquiry participants that the imposition of the lockout laws in 2014 had overwhelmingly been a contributing factor to the closure of live music venues in the affected precincts."

However, unfortunately the committee did not make any recommendations on this subject. This is a mistake.

Recommendation: that the NSW Government repeal the Sydney lockout laws.

2. The community harm of poker machines and their impact of live music

I am also concerned that the report discounts the community harm caused by poker machine gambling, by recommending that revenue derived from this form of gambling be used to fund music in NSW.

Australian's lose an average of \$12 billion a year on poker machines, and NSW is home to more than 93,000 poker machines – about half of all the pokies in the country. The majority of gambling losses come from people with gambling addictions.

The Greens do not believe that the misery, addiction, loss and exploitation associated with poker machines should be used to subsidise live music and I do not support the committee's recommendation to do so.

Though the inquiry did not examine the effect of poker machines on live music extensively, there is no doubt that pokies have changed the face of pubs in NSW since they were introduced in 1990. The inquiry heard evidence from Ms Ann Martin, an Artist and Cultural Planner in Wollongong who said:

“Clearly the impact of poker machines in pubs in New South Wales has been one whereby those pubs have decided that there is much more money to be made from gambling than from the selling of alcohol and the hosting of live music.”

The ‘easy’ revenue that is generated from poker machines has seen many stages and performance areas in pubs replaced with gaming rooms. This has not only harmed live music, but also harmed the community.

Poker machines should be phased out of pubs entirely in NSW, benefitting live music and the community as a whole.

Recommendation: that the NSW Government recognise the detriment that introducing poker machines to hotels has caused to live music and commit to phasing out poker machines in hotels.