

**Parliamentary Enquiry from the Legislative Council  
Portfolio Committee No.6 – Planning and Environment  
The Music and Arts Economy in New South Wales  
Responses to Questions on Notice**

**1. In your view, what steps could the NSW government take to support the Sydenham Creative hub, given the evidence that the Committee has received about the need for such developments across Sydney?**

The Council will soon be publicly exhibiting a revised proposal for the Sydenham Creative Hub, significantly reduced in scale from its original proposal. Council will consider the outcomes of the exhibition and make its recommendation to Government on the nature of the proposal that it recommends should proceed. The Government will need to review Council's decision and assess its final proposal.

The Council has a long term commitment to the Sydenham Creative Hub concept and would ask the Government consider the positive benefits that it offers for the development of the music and entertainment industry when assessing the proposal under the statutory plan making process. These benefits are often overlooked when compared to the benefits of more traditional employment uses. Council considers these uses can operate alongside each other in the right circumstances.

**2. What is the timing expected for future consideration of the Sydenham Creative hub at a local level?**

The revised proposal for the Sydenham Creative Hub will be placed on public exhibition on 26 June 2018 for 28 days. The results of the exhibition will be assessed by Council staff and a report will be made to Council on the next steps towards finalising the proposal.

**3. What attitude has the Inner West council taken to the operation of the music venue Lazybones, which is operating in Marrickville? Does the council have concerns, or is it supportive of this venue?**

Inner West Council is supportive of the on-going operation of Lazybones Lounge as a great contributor to the local economy and cultural life of Marrickville. Lazybones Lounge is currently under assessment to amend the venues Conditions of Development Consent, overall engagement with Lazybones Lounge operators throughout this process has been open and positive.

Typically when council receives an application to retrospectively approve works or extend hours, council holds any enforcement action in abeyance while the application is being determined. After a recent Police visit to Lazybones Lounge, council officers communicated to Newtown Police Command, that the venue operators and council are currently working together to resolve some minor regulatory issues and no further action was required. Inner West Council Mayor, Cllr Darcy Byrne also confirmed this in a letter to Newtown Police Command.

#### **4. Given your support for music venues as Mayor, what additional steps could the NSW government take to support venues?**

The Inner West is home to an active live music sector with approximately 63 live music venues in the local government area and 10% of residents employed in creative industries, the arts and live music. It is important for the economic and cultural well being of the Inner West, for the NSW Government to assist in supporting venues. This can be achieved by facilitating the integration and strategic direction of venue management and simplify the complex regulation framework that adversely affects live music venues.

Key steps should include:

- Collaborate with local government and other regulatory bodies to streamline the multifaceted regulations venue operators are faced with.
- Change regulations to encourage ancillary use allowing minimal impact small-scale cultural use to take place in existing buildings and pop up venues to operate.
- Deliver a strategic plan in partnership with live music advocacy bodies in NSW, to ensure improved regulations, guide development in a manner that is aligned to the needs of the sector.
- Allocate dedicated funding to create a government agency, to co-ordinate regulation information and advocate for the live music sector.
- Develop planning approaches, including a provision in the Local Government Act, to assist in protecting cultural production spaces, live music venues and entertainment precincts from inappropriate rezoning and redevelopment.
- Introduce a state variation to the National Construction Code (NCC) to support the establishment of smaller cultural production venues by assessing buildings under retail rather than costly theatre or nightclub specifications.
- Standardise trading hours for live music venues within mixed use urban centres.
- Employing consistent and creative strategies to manage the impacts of the night time economy, including defining offensive noise and standardise the fair management of noise by implementing the 'agent of change' principle and compulsory Section 149 Certificates. The Protection of the Environment Operations Act does not give priority to existing use, if a resident moving into an area is affected by the existing activity. The introduction of the 'agent of change' principle and compulsory 149 certificates would address this. Section 149 Certificates are used to notify potential purchasers of activities or policies that may affect the land, currently 149 certificates are a not a regulatory tool but a means to provide advice and are not required under the Conveyancing Act 1919.

#### **5. What positive, proactive engagement could occur at local level between police, liquor and gaming, and council staff to deal with issues relating to venue operation, including licensing and noise? How does this occur now in practice? How could it be improved?**

Local government plays an important role in proactive engagement, particularly working alongside the community to address issues around licensing. These issues

are usually multi-faceted, in which a holistic approach is necessary to work effectively across the community.

Inner West Council staff attend the various liquor accord meetings within the Local Government Area. The liquor accords are voluntary, industry-based partnerships in local communities that work to develop practical solutions. Members include local businesses (including licensed venues), Police, Government agencies, community organisations and Council.

The accord is an opportunity for information sharing between businesses, Government and Police, more importantly to Network. It also enables business to gain access to resources, including information on how to develop, implement, evaluate and promote positive initiatives in the community. The liquor accord could be improved by an increase in funding to undertake joint initiatives. Some liquor accord groups in NSW operate without funding and access to alternative sources of funding such as grants is limited.

**6. Do you believe that there should be six agencies in NSW charged with regulating noise in music venues?**

Inner West Council does not support the confusion of six different agencies regulating sound levels in live music venues. To ensure the sustainability of the live music sector and the night-time economy, it is essential to streamline regulations and synchronise enforcement action to provide clarity for venues and the community around sound levels and compliance.

**7. As one of the six agencies in NSW charged with responsibility for enforcing noise regulation, do you have any views as to how we could simplify this?**

The existence of six agencies in NSW charged with responsibility for enforcing noise regulation creates an overly complex and challenging regulatory environment, consisting of a multiplicity of overlapping legislations and governing bodies. This could be simplified by the establishment of a central agency within Government that collaborates with local government and music industry advocacy bodies, to co-ordinate regulations, inform planning and decision making around noise regulations and enforcement.

**8. In your view, who is the lead agency for noise regulation in NSW?**

The Environmental Protection Agency is the primary environmental regulatory authority for NSW. The *Protection of the Environment Operations Act 1997* is the key piece of environment protection legislation administered by the EPA. The *Protection of the Environment Operations (Noise Control) Regulation 2008*, provide the main legal framework and basis for managing noise in NSW.

Inner West Council is directed by authority framework for noise control, principally the 'Noise Guide for Local Government' prescribed guidelines. The Guide provides

practical direction to council officers in the day to day management of noise and in the interpretation of existing policy and legislation.

**9. Does Council have an official policy, or any concerns, about the presence of mirror balls in music venues?**

Inner West Council does not have a policy position on mirror balls in any type of venue. Any mirror ball must be installed appropriately, be structurally sound and comply with Building Code of Australia guidelines.