

The Hon. Dominic Perrottet, Treasurer  
The Hon. Stuart Ayres MP, Minister for Jobs, Investment, Tourism & Western Sydney  
The Hon. Robert Stokes MP, Minister for Planning and Public Spaces  
The Hon. Victor Dominello MP, Minister for Customer Service  
The Hon. Kevin Anderson MP, Minister for Better Regulation and Innovation  
The Hon. Don Harwin MLC, Minister for the Arts  
The Hon Brad Hazzard MP, Minister for Health and Medical Research  
The Hon Sarah Mitchell MLC, Minister for Education and Early Childhood Learning  
Cc: Premier Gladys Berejiklian MP  
The Hon. Ben Franklin MLC  
The Hon. John Graham MLC  
Ms Cate Faehrmann MLC  
Cr Linda Scott, LGNSW

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Dear Ministers,

**RE: NSW Live Music and Performance Sector COVID Support**

We write to all of you as our industries require a whole of government approach that coordinates each of your relevant agencies.

Six months into the COVID-19 crisis and the live music, performance, education, and hospitality sectors continue to experience serious and widespread impacts as a direct result of the government's necessary and important response to the COVID-19 crisis.

These include the immediate and ongoing closure of theatres, nightclubs and festivals, reduced capacity and increased costs for hotels, clubs, restaurants and small bars and widespread loss of employment for performers, agents, managers, crew, venue and event staff. COVID-Safe Guidelines for NSW schools introduced this week that prohibit group singing, as well as the use of wind instruments in group settings have resulted in a dramatic loss of employment for music teachers and education for students, particularly those preparing for their HSC.

These impacts will compound further as jobs and opportunities continue to be constrained or restricted for the foreseeable future.

We acknowledge the support the NSW Government has provided in 2020 to date, including the 24Hr Economy Draft Liquor Bill, the development of a 24 Hr Economy Plan, the Great Southern Nights live music program and additional Create NSW Funding \$50m for not-for-profit organisations.

We recognise these initiatives are responding to our sectors' recent and pre- COVID-19 challenges.

Further to this there are a number of areas we see as of high importance and propose the following five key areas to prioritise:

1. A co-ordinated suite of regulatory support across liquor licensing, planning and the fair management of entertainment venues and event sound
2. Marketing investment and infrastructure for greater Sydney
3. Jobs, Education and Skills strategy and support for the creative sector workforce
4. Venues and Industry support package for operational sustainability
5. A Live Music and Performance Accord with the NSW Government and Local Government

Given our industry touches so many portfolio areas only a whole of government approach will be able to properly support the economic, social and cultural benefits of our sector.

Our industry requires real and coordinated support across NSW state and local government agencies, both in the suburbs and across greater NSW. Our considered position is that these

identified areas will help to ensure NSW industry and venues are safer and more able to respond quickly to and better navigate the uncertain nature of managing COVID-19, and ensure NSW industry remains operational, viable and competitive alongside the other states and territories through this pandemic.

Yours sincerely,

APRA AMCOS                      Sydney Fringe Festival  
Solotel Group                      Live Music Office  
Sydney Festival

### **1. A co-ordinated suite of regulatory support across Liquor Licensing, Planning and the fair management of entertainment venues and event sound**

The ongoing management of COVID conditions and potential contours in outbreaks will mean changes in the way events and performances can operate not only in venues but also in the public domain and outdoors.

Our industry needs regulatory frameworks that enable us to respond quickly. Very quickly. The previously identified necessity for regulations that scale effectively across smaller and larger venues and events is even more critical in the COVID – 19 environment, as is addressing duplication in functions and process across liquor licensing, planning and management of sound regulations.

These priority areas are identified as follows:

#### **I. Planning:**

**Objects of Act:** Amending the objects of the Environmental Planning and Assessment Act 1979 to include the protection and promotion of cultural activity, including live music.

**Exempt and Complying Development:** Where low impact entertainment can be permissible under the planning approvals pathway through prescribed conditions and where a development approval is not required.

**Small Arts Venue state variation to the National Construction Code:** That assesses smaller venues according to retail rather than theatre specifications for the purposes of building compliance under the National Construction Code.

**Standing Development Approvals for carparks and adjacent streetscapes for events:** To enable venues in particular to either program or have as a contingency for outdoor events where COVID conditions permit to quickly respond to any venue closures or restrictions.

**S.10.7 Planning Certificates:** These acknowledge that people living in the CBD, town or regional centres can expect activities associated with the evening economy.

**Precinct approaches to support venues and the 24 Hr Economy:** To support existing NTE character, to better manage 24Hr economy land use conflict and the fair management of entertainment sound, as well as promote events, transport, marketing, lighting and COVID safety conditions.

#### **II. Liquor Licensing:**

**Re-balancing the public interest test:** In licensing and planning processes to provide an equal opportunity for the employment and positive contributions that licensed premises and events make to our culture and identity, tourism, the community and economy to be formally recognised in decision making by all parties involved.

**A coordinated suite of short-term licences:** for an event or occasion or series of events or occasions.

- In line with any COVID restrictions for licensed venues, including pubs, clubs, cafes, restaurants and wineries to temporarily expand their licensed footprint
- Clarification on BYO arrangements for artists and promoters presenting venue based entertainment who want to focus on the art form presentation and not the operations of a bar.
- Support for independent artists presenting their own events
- Mobile licenses for pop-up events or travelling industry initiatives

### III. Environmental Protection:

**That regulation frameworks reference 'sound' rather than 'noise':** As noise is subjective and brands the sector as polluters when a venue can be in complete compliance with approved sound levels, whereas what's required for all parties is the fair management of entertainment venue sound.

**Environmental Authorisations:** Providing latitude in sound levels to be supported for COVID impacted performances where venues in particular need to rehome events outdoors.

### IV. Local Government

**DA and Licence Conditions:** Where DA and licence conditions have been waived or concessions provided such as for security guard numbers, security patrolling certain areas, takeaway sales, footpath seating capacity and the use of Kings Cross scanners, the industry would like to see the conditions that have been mutually waived given a permanence (or at least while restrictions are still in place).

**Outdoor Event Capacity:** Current health restrictions mandate that no more than 20 people can gather at one time for a single purpose, and we recognise that these metrics will fluctuate to respond COVID conditions. Providing the ability for larger gatherings from prescribed conditions through submitting COVID safe plans of management will assist our sector where events can be delivered in a safe and timely manner.

Having these arrangements in place in NSW will mean the music and hospitality industry can 'pivot' to events in laneways, open areas, streets and the like, and where social distancing requirements can be better managed with a more variable capacity than might be permitted indoors.

## 2. Marketing

Establish a dedicated greater Sydney night time marketing team which would focus on identifying and communicating the availability of live music and performance events across the CBD, city centres and suburbs, by providing an up to date and real time accessible what's on and where across online, electronic and print media.

This team would be limited to marketing, not policy, strategy or event development.

- Comprising core skillsets of research (mapping) / social media and platform delivery / partnerships and promotion
- An investment of \$2.6M for 24 month trial might budget for \$250k staff per annum (2xFTE or equivalent) + on-costs, Online platform construction \$100k / Marketing budget \$1M per annum

## 3. NSW COVID Creative Jobs, Education and Skills Program

The NSW arts, screen and cultural industry contributes \$16.4bn to Gross State Product and employs over 118,000 full-time-equivalent workers and supports indirect jobs across the tourism and hospitality sectors. A skills audit to ensure NSW benefits from the very best pipeline of talent through the school and further education systems will be critical to the future of the industry.

From Wednesday 19 August COVID-Safe Guidelines for NSW schools for Term 3 require that all group singing and or other chanting activities, as well as the use of wind instruments in group settings are not permitted. This has resulted in an immediate loss of tuition for students and

employment for music teachers in NSW across the primary, secondary and tertiary education system. The cancellation of individual and group lessons, concert bands and programs, affects tuition across all instruments and voice, and will seriously impact the development of music in NSW through 2020 and beyond. Many of the teaching staff are casuals without employment security and for whom this employment would be their primary source of income. Music students preparing for their HSC will be heavily disadvantaged.

We propose that the NSW Government agencies partner with industry and the education sector to provide a COVID Creative Jobs and Skills Program / Forum. This program would deliver:

- Communicating coordinated NSW Government support for the arts, education, cultural and hospitality sector on the COVID Environment and industry related matters
- Diversity support programs for artists and industry seeking capacity building, training, or assistance in career guidance and career pivots
- Education for licensees, music and arts industry and event presenters in COVID safety performance and event delivery
- Support for artists and venues and festivals in live production and online events

#### **4. NSW Venues Sustainability Support**

The live music and performing arts sector in NSW faces varying and shifting conditions and circumstances to counterparts in the other states and territories. With targeted financial support available in Victoria, and venues operational in WA and the NT for example, for the NSW sector to remain operational further intervention is going to be needed.

Whilst current programs including the recent [Federal Government Live Music Australia](#) funding support future programming and events, venue financing and business costs are not supported by existing programs and require urgent attention.

We raise the following Victorian, South Australian and Queensland initiatives and a proposed NSW subsidy model for both live music and small to medium performing arts sector for consideration:

- The [\\$15M Victorian Live Music Venues Program](#) seeks to support Victoria's sector by helping venues respond to the devastating effects of the coronavirus pandemic. Funding can support immediate business costs caused by the shutdowns and help businesses reopen in a COVID-safe way, providing employment opportunities for music industry workers ranging from musicians, actors and crew to bookers, promoters and more
- \$1M Music Development Office (MDO) Project Support Grants in South Australia to aid South Australian musicians who write and perform their own music as well as local music businesses who support these artists in the development, delivery or production of original music
- The Queensland Live Music Venue Support program supports Queensland-based live music venues with a track record in presenting original live music that have been significantly impacted by COVID-19.
- We also propose a program where venues could apply for subsidy to cover ticket shortfalls from reduced capacity would sustain venues and assist them to remain operational, recognising venues face reduced capacity and increased costs and staffing to comply with COVID Safety conditions. This would provide a democratic and equitable funding model commensurate with the venue's size and scale.

#### **5. Live Music and Performance Accord**

The purpose of the accord is to reset the relationship between industry and the NSW and local governments to respond to the COVID-19 crisis, and to build better lines of communication, collaboration, mutual respect and understanding from which to move forward together in the face of this unprecedented challenge to our sector.

That the following agreement is endorsed by the NSW Government and agencies including NSW Police in partnership with the live music and performance and events sector that recognises that:

- a) The live music, performance, education and hospitality sector in NSW has experienced serious and widespread negative impacts as a direct result of the governments necessary and important response to the COVID-19 crisis as well as recent bushfires, drought and floods, with COVID-19 likely to remain a unprecedented challenge for the foreseeable future
- b) Live music and performance venues, festivals and events make a significant contribution to the cultural, tourism, social and economic development of the state
- c) Live music and performance do not cause violence
- d) And that NSW Government agencies including NSW Health and Police commit to regular meetings to communicate COVID conditions and management, and to address any industry concerns regarding other matters including licensing approaches and approvals policy, arts and cultural funding programs and support.