

**Submission  
No 243**

**INQUIRY INTO THE MUSIC AND ARTS ECONOMY IN  
NEW SOUTH WALES**

**Organisation:** Newcastle City Council

**Date received:** 28 February 2018

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OFFICE OF THE LORD MAYOR  
COUNCILLOR NUATALI NELMES  
CITY HALL NEWCASTLE  
NSW 2300

27 February 2018

The Hon. Paul Green MLC  
Chair  
Inquiry into the Music and Arts Economy in New South Wales  
Submission via online portal

Dear Chair

Please accept this submission to the New South Wales Legislative Council's Inquiry into the Music and Arts Economy in New South Wales, on behalf of the City of Newcastle.

As the Lord Mayor of the second largest City and second largest economy in New South Wales, I welcome this opportunity to provide feedback to the Committee on this important issue.

I can advise the Committee that the City of Newcastle has a rich and diverse music and arts scene, and that our night time economy is now worth \$1.4 billion, employing over 12,000 people, including many in the live music and arts' industries.

I'm pleased to be able to advise the Committee, that following consultation with live music industry professionals, artists, venue operators and music industry businesses, Newcastle City Council has resolved to develop a Live Music Strateg. I have attached this Notice of Motion for the reference of Committee members.

This resolution includes the establishment of a Newcastle Live Music Taskforce, as well as a suite of measures aimed at ensuring the ongoing vibrancy of the Newcastle live music industry.

The City of Newcastle is also currently developing a Newcastle After Dark strategy, with music and the arts to be considered during the development of this strategy.

Newcastle City Council has also resolved to embed a commitment to a vibrant live music scene in the next iteration of our Community Strategic Plan.

I ask that the Committee please consider the issues raised by the City of Newcastle and I would welcome the opportunity to clarify any points with the Committee during public hearings in 2018.

Please do not hesitate to contact me via email to [lordmayor@ncc.nsw.gov.au](mailto:lordmayor@ncc.nsw.gov.au), should you require any further information.

Yours sincerely

Cōuncillōr Nuatali Nelmēs  
**LORD MAYOR OF NEWCASTLE**

Encl.

SUBJECT: 27/02/18 – Newcastle City Council Live Music Strategy

COUNCILLORS: Cr Nelmes; Cr Duncan; Cr Clausen; Cr Dunn; Cr Byrne;  
Cr Winney Baartz; Cr White

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## **MOTION**

That Newcastle City Council:

1. Notes that the City of Newcastle has a proud and rich history of celebrating and promoting live music;
2. Notes that the City of Newcastle's night time economy is now worth \$1.4 billion and employs over 12,000 people, including many in the live music industry;
3. Supports the creation of a *Newcastle Local Live Music Taskforce* to advise all three tiers of government on policy development aimed at supporting the growth and sustainability of Newcastle's live music industry;
4. Embeds a commitment to a vibrant live music scene in the next iteration of the Community Strategic Plan (CSP) and works to finalise the draft Newcastle After Dark Night-time Economy Strategy, including a detailed Live Music Strategy, guided by best practice local government principles for live music policy as developed by the New South Wales Government's Live Music Office;
5. Implements actions to achieve the protection of the Newcastle live music industry and the Newcastle night-time economy including changes to S149 Certificates and consideration of Acoustic Privacy Conditions; and
6. Develops a process to make available Council owned venues like the Civic Playhouse and City Hall Banquet Room for in-kind use on certain days by live music providers catering for all-ages gigs.

## **BACKGROUND**

Recently, live music industry professionals, artists, venue operators and music industry businesses have raised a number of concerns about the future of the live music industry in Newcastle.

The NSW Government's Live Music Office has identified a number of initiatives that can be implemented in the short, medium to long term to protect, support and grow the live music industry across Newcastle. The NSW Live Music Office has also identified a number of best practice local government live music strategy examples.

The Newcastle night-time economy is now worth \$1.4 billion a year and employs more than 12,000 people, with a large number of these employees supported by the live music industry.

### **The Wollongong Approach**

The NSW Live Music Office identifies the City of Wollongong's live music strategy and associated adopted strategies and policies as best practice in New South Wales.

Undertaken in 2013/14, the *City of Wollongong Live Music Taskforce* saw 42 Actions passed through Council in April 2014.

From this process, a range of better regulation approaches were delivered quickly, that also supported associated actions items in preparation at that time, and has been a solid foundation from which the music industry and events are doing well in the City of Wollongong. These measures can all be delivered within the existing regulatory frameworks and require no changes to legislation.

#### 1. Planning Certificates – S149 Certificates.

Local councils require S149 certificates to be lodged when undertaking property development or transactions. These certificates require the applicant to acknowledge the zoning and other relevant conditions applicable to the property and existing land use. In Wollongong these may reference the evening economy, cultural businesses, noise, traffic, and longer hours of operation (see below).

*The Wollongong City Centre and Town Centres, play a key role in accommodation, cultural, sporting and business uses. A key to the revitalisation of these centres' is to build on these aspects through greater activation and investment beyond 5pm through an evening economy. Future residents should be aware that these uses may generate noise, odour, and traffic and have longer hours of operation, which is part of living in/near a commercial centre.*

2. Acoustic Privacy Conditions have been required on residential development in the CBD to ensure residents who choose to live in the CBD have buildings that are actually designed for evening economy areas - this includes double glazing external sliding doors and windows for reducing traffic and other low frequency noise such as music from surrounding live music venues.

For example, the following conditions were required of a larger residential development on Crown St on the site of the former Oxford Tavern in the Wollongong CBD.

*The double glazing from the facades specification is as follows:*

- a) *Glazing for Acoustic requirement – Double glazing external sliding doors and windows:*
- b) *6mm glazing –100mm air gap –6 mm glazing set in a sealed metal or timber frame to achieve the sound insulation of a window and sliding door system (Rw40 –45).*
- c) *The apartments from 1st/2nd floor to 7th floor window and sliding door system should achieve sound insulation (Rw43 –45).*
- d) *The apartments from 8th floor and above window and sliding door system should achieve sound insulation (Rw40–45).*
- e) *Frames should be well sealed internally and externally to provide acoustic, thermal and moisture protection. Awning windows are preferred to sliding windows as they are able to achieve a positive compression seal.*



- f) *The air gap between the two panes should be at least 100mm that is good for reducing traffic and other low frequency noise such as music from surrounding night clubs*

### 3. Coordinated Noise Complaints Process

In the Wollongong LGA noise complaints against live music/licensed premises can be considered by the Community Safety Reference Group – where council and the Local Area Command convene on wider issues around licensed premises and public safety. This provides a greater context for these issues to be considered collectively, and importantly is decentralised and directly involves local cultural officers.

*The purpose of the Community Safety Reference Group (CSRG) is to bring partners together (NSW Police; Local, State and Federal Government agencies; non-government agencies and the community) to identify and drive the development of specific strategies to improve and enhance community safety in the Wollongong Local Government Area.*

### 4. Development Application Information Sessions

The Small to Medium Enterprise Planning advice team focus on applications such as new cafés, small bars, shops, service providers, or new industrial unit occupiers. Small businesses including creatives looking to establish in the Wollongong LGA can access guidance from Council prior to pre-lodgement meetings.



**Development Approval info session**

**Tuesday 16 August 2016, 5.30 - 6.30pm, Wollongong City Council Administration Building, Level 9 Function Room, 41 Burelli Street, Wollongong**

Are you looking to start a café, bar, shop, gym, light industry or other small business venture? Or are you a property owner, commercial property agent or planning consultant dealing with small businesses?

Join Council's Small Business Planning Team for a free one hour session on getting the necessary approvals. Topics to be discussed will include the following:  
Do I need approval?; Development application process; Common problems; Local case studies; Q&A. Refreshments (tea & coffee) provided.

**RSVP: [www.eventbrite.com.au](http://www.eventbrite.com.au) (search Small Business Planning)**

For any queries, contact the Small Business Planning team:  
**email** [smallbusiness@wollongong.nsw.gov.au](mailto:smallbusiness@wollongong.nsw.gov.au)  
**call** (02) 4227 7111

**Small Business planning** 

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5. Streamlined Events Process – Event sites have standing DA's in place, no DAs required

*Council decided to lodge its own DAs for these sites to gain a generic approval for a range of events. These DAs were lodged by the economic development unit who are removed from the DA assessment team. The applications were peer reviewed (with public hearing) by their Independent Hearing and Assessment Panel for extra layer of independence/transparency. Before lodging each DA consideration was given to the size, scale, type of activity likely to be accommodated on site. Since the DA*

*approvals there have been some modifications (under s96 application). This has helped refine/improve the controls in the DA.*

*The Events Team then set up another quicker/simpler approval system which just checks proposed events against the consent conditions, much like a certifier. If they are happy then they issue a license. It allows them to promote these sites as 'ready to go'.*

<http://www.wollongong.nsw.gov.au/city/events/toolkit/Documents/Events%20Toolkit.PDF>

## **Advisory Groups**

Convening a local industry advisory group will assist in connecting with the music sector for successful event planning or development of a live music industry support strategy.

An advisory group can be as simple as calling a meeting of local venues and artists.

This could be a larger open access forum or more targeted to representatives across specific areas of the sector who can provide constructive support, as well as for consultation identifying specific issues for cultural strategy and regulatory policy enhancement.

These should comprise core members that collectively, represent the interests of;

- Artists
- Venues
- Music Industry Businesses
- Local Government
- Community Radio
- Education and training

The advisory group can identify issues to target, provide guidance around grants and events, as well as assist in the preparation of cultural plans and actions for council.

The Advisory group may consider current issues affecting the provision of live music in Newcastle and then use these findings to inform the development of a Live Music Action Plan that identifies short, medium and long-term remedial actions Newcastle might take.

The Action Plan and its recommendations could be considered by the City of Newcastle for adoption and implementation.

It could do this by:

- a) Highlighting current policies or controls within the remit of the City Newcastle that, in its opinion, require review or amendment;
- b) Identifying legislative changes or regulatory reform that could be explored with state government to support live music in the City of Newcastle.;
- c) Advising the City on existing government programs and initiatives (both domestic and international) that have a demonstrable track record in successfully supporting live music;
- d) Suggesting cost-effective new projects that would positively impact the live music and performance sector in the City of Newcastle;
- e) Develop dedicated live music event initiatives.

### **Sector Mapping**

To better understand just how the local music scene is going, doing a simple live music census is a great way to get to know where the gigs and events are happening. This process has recently been done at the local level in the City of Adelaide, City of Gold Coast and the City of Wollongong.

A simple census would involve choosing a month in the short term to map out performing artists, venues and events by monitoring gig guides, social media, venue websites, and generally do the rounds through the month to develop a spreadsheet that shows all the gigs, venues and artists in the local government area.

A live music census is simple to do, can provide a great deal from a relatively uncomplicated process, and is a very valuable and worthwhile undertaking. The Live Music Office can provide a template and support if this mapping exercise is of interest.



Local Government Live Music Strategy examples			
VIC	City of Melbourne	Melbourne Music Strategy A strategy for supporting and growing the city's music industry 2014-17	<a href="http://www.melbourne.vic.gov.au/arts-and-culture/strategies-support/Pages/melbourne-music-strategy.aspx">http://www.melbourne.vic.gov.au/arts-and-culture/strategies-support/Pages/melbourne-music-strategy.aspx</a>
	City of Yarra	Live Music Venues Grant 2016-17	<a href="https://cityofyarra.smarttygrants.com.au/LMVG17">https://cityofyarra.smarttygrants.com.au/LMVG17</a>
	City of Port Phillip	The City of Port Phillip committed to working with live music venues and the community to achieve a balance that supports live music whilst protecting residential amenity.	<a href="http://www.portphillip.vic.gov.au/live-music.htm">http://www.portphillip.vic.gov.au/live-music.htm</a>
	City of Ballarat	The City of Ballarat Live Music Strategic Plan has a scope of 5 years. It defines the goals and objectives underpinning support of local and regional live music and identifies actions to strengthen development, appropriate to Council's role within the community.	<a href="http://www.ballarat.vic.gov.au/lae/live-music-strategy.aspx">http://www.ballarat.vic.gov.au/lae/live-music-strategy.aspx</a>
	Mornington Shire	Mornington Peninsula Music	<a href="https://www.mornpen.vic.gov.au/Activities/Arts-Culture/Arts-Culture/Mornington-Peninsula-Music">https://www.mornpen.vic.gov.au/Activities/Arts-Culture/Arts-Culture/Mornington-Peninsula-Music</a>
	City of Greater Geelong	Central Geelong Live Music Action Plan (LiveMAP)	<a href="https://tinyurl.com/y9ot2kut">https://tinyurl.com/y9ot2kut</a>
NSW	City of Sydney	Live Music and Performance Strategy	<a href="http://www.cityofsydney.nsw.gov.au/vision/towards-2030/communities-and-culture/culture-and-creativity/live-music-performance-strategy">http://www.cityofsydney.nsw.gov.au/vision/towards-2030/communities-and-culture/culture-and-creativity/live-music-performance-strategy</a>
	City of Wollongong	Wollongong City Council Live Music Action Plan	<a href="https://tinyurl.com/yas8a6a7">https://tinyurl.com/yas8a6a7</a>
	Leichhardt (Inner West Council)	The final report of the Leichhardt and Marrickville Off Broadway live music reference group	<a href="http://www.leichhardt.nsw.gov.au/ArticleDocuments/2414/live-music.pdf.aspx">http://www.leichhardt.nsw.gov.au/ArticleDocuments/2414/live-music.pdf.aspx</a>
	Marrickville (Inner West Council)	Council has made a commitment to support existing and new live music venues across its local government areas to ensure the future growth of live music venues and creative industries in the area.	<a href="https://www.marrickville.nsw.gov.au/en/outandabout/arts-and-culture/live-music-program/">https://www.marrickville.nsw.gov.au/en/outandabout/arts-and-culture/live-music-program/</a>
	City of Brisbane	Live Program, Fortitude Valley Entertainment Precinct	<a href="https://www.brisbane.qld.gov.au/whats-">https://www.brisbane.qld.gov.au/whats-</a>



			<a href="#">on/type/live</a>
QLD	Sunshine Coast	Consideration of the need for Special entertainment precincts to be identified in the Sunshine Coast Planning Scheme	<a href="https://tinyurl.com/ycbjhq9h">https://tinyurl.com/ycbjhq9h</a>
	City of Gold Coast	The Live Music Taskforce was formed in November 2016 to address key regulatory issues affecting the live music sector on the Gold Coast. Recommendations from the Live Music Taskforce formed the Live Music Action Plan 2017-2020, which was adopted by the City of Gold Coast in late 2017.	<a href="http://www.goldcoast.qld.gov.au/live-music-taskforce-report-41915.html">http://www.goldcoast.qld.gov.au/live-music-taskforce-report-41915.html</a>
	City of Adelaide	Adelaide City Council Live Music Action Plan 2014/2016	<a href="http://livemusicoffice.com.au/wp-content/uploads/2014/08/Adelaide-Live-Music-Action-Plan.pdf">http://livemusicoffice.com.au/wp-content/uploads/2014/08/Adelaide-Live-Music-Action-Plan.pdf</a>
SA	Norwood, Payneham and St Peters	City of Norwood Payneham & St Peters Live Music Policy	<a href="http://www.npsp.sa.gov.au/article/view/483">http://www.npsp.sa.gov.au/article/view/483</a>