

**Submission
No 332**

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

Name: Mr John Ferris

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To the NSW Parliamentary Music Committee.

Thank you for holding this inquiry and allowing submissions. I think it is well over due to serious look at and discuss ways to improve the performance of music in NSW.

The NSW and especially the Sydney Music scene is severely struggling. Both 'live' venues and venues that feature pre-recorded music (clubs) have been hit very hard by a perfect storm of events with the lock out laws, high property costs, high rentals, high compliance costs, residential encroachment upon areas that host music venues, aggressive security, over policing and pokie machines have all in major impact on music venues in Sydney and across the state.

5 years ago Sydney had a plethora of music venues, there is possible 50% less venues across the CBD and entertainment precincts. The lock out laws were the catalyst that broke the proverbial camel's back.

In contrast, in Melbourne on a Thursday night there is over 20 clubs plus a multitude of venues playing live music. And busy. They have issues in Melbourne such as increased property prices, build out of venues and sound issues, but perhaps nowhere near as severe as Sydney and they don't have the lock out laws. The difference is astonishing. Sydney is a virtual ghost town for music venues on a Thursday night. Where as in Melbourne, thousands of people are employed directly in the venues with musicians and performers can actually make a living.

For NSW, besides changing the laws to allow venues to operate in less restricted hours, we also need to encourage an environment to attract investment in venues. Currently the regulatory environment is so difficult and uncertain that potential investors are actively discouraged. All music venues have suffered and continue to suffer under the current laws and structures.

Here is a list of my suggestions to improve the environment for venues to start and operate. Some of these are vague suggestions and others are very specific.

- Create a NSW Music Development Office which can be the official adviser to the government across a number of areas.
- Set up a Music committee to investigate reducing red tape for Music performances and music venues.
- Get an official NSW Music action plan to work on.
- Get rid of the lock out laws. There should be no lock outs. Venues should be judged on their performance and not a blanket penalty for all venues. Part of this strategy is improve transport (trains and taxis) and policing at late night (more foot police).
- Incentivise smaller venues through easier applications and easy DA approval.
- Have Music Industry (Live and other parts artists representatives) represented on the Liquor Administration discussions and compliance issues
- Venues to be incentivised to install sound insulation.
- Building codes for property developers to be changed to include provisions for proper sound insulation in high density and mixed zone.
- The Policy for regulating music noise is outdated. A review of the Policy should consider the following issues, among others. The agent of change principle should be implemented so

that the music noise emitter does not fall out of compliance when new residential developments are built. This effectively means that once a venue has achieved compliance it stays in compliance. The responsibility for protecting residential amenity of any future residential developments from music noise would then fall on any future developer, unless the venue varied its operation.

- All music sound level measurements should be conducted in habitable rooms with the windows closed at the point of exposure. This would ensure that attenuation measures on the residence and venue are taken into account in the entire sound transmission path.
- Acceptable sound emission levels, frequency of events and times of events need to be higher in and around cultural clusters than in purely residential zones. – The definition of music noise needs to be broadened to encompass all sound used for cultural purposes. The revised definition should also distinguish between sound that has a neurological basis for being a nuisance from sound that the recipient has a cultural objective to.
- Policing. Coordinate engagement between NSW Government, NSW Police and the music industry in NSW to break down barriers and improve communications/appreciation of all sides contribution to culture. The Police have been known to be heavy handed in venues by assuming that venues are full of drug taking yahoos or potential criminals. Heavy Police presence and dogs discourages people from coming to venues, not because they are guilty of any drug offenses, but because they don't want to be humiliated.
- Re-educate security companies and security staff in ways of manners and hospitality. All security need to attend and pass new courses in hospitality hosting as well as RSA. Currently customers are constantly humiliated by security accusing people of being intoxicated. Security have a 'eye test' which apparently they can tell if someone is intoxicated. This is ridiculous. How can they tell and it's humiliating and a large disincentive for punters to go out as we are all at the mercy of grumpy aggressive security. Who wants to go to gaol for a night out? We need to relax the pressure on security to behave in a aggressive way towards punters. They are customers and not criminals. Perhaps have a breathe test and use a new scale of intoxication for entering venues. Punters are not driving, they are there to enjoy and to behave without harming others
- Don't penalise venues for violence that happens not in their establishment
- Make venues responsible for behaviour in their venues and not responsible for actions away from their venue

- Improve the regulatory environment around live music and performance venues.
- Have a one-stop shop for planning and licencing approvals for venues and events (DA's, liquor licencing, policing assessments)
- Look at exempt and complying development for venues
- Provide pathways for the private sector and developers to allow temporary activations of unused vacant spaces for live music and performance
- Land use planning to better manage urban sound in night life economy
- Venue should employ certified sound technicians to set up sound systems and insulation.
- Give tax breaks or something similar to business that want to start a music venue, especially in areas where there isn't venues and part and parcel with plans for sound insulations. Have an EPS for sound works in venue.
- Look at reducing compliance and restrictions on under 18 events in licensed venues

- Incentive live music performances in all venues outside of peak times by reducing restriction
- Incentivise music performances in non-licensed venues . For example a live music “BYO liquor licence” at events of up to 120 capacity, where RSA-trained staff were on duty.
- Reduce the necessity to have DA's t have live music in retail outlets.
- Allow more busking on streets.

Thank you for your time and effort. I look forward to hearing the report.

Regards

John Ferris