

Submission  
No 421

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

**Organisation:** Bombie Surf Club

**Date Received:** 3 July 2018

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## The Background to The Closure of The Bombie Bar.

My name is Robert Deacon.

I have been the Club Captain of Coalcliff SLSC (Director of Surf Life Saving Operations) since July 2009.

The Coalcliff Surf Life Saving Club Clubhouse is owned by Wollongong City Council and is located several hundred meters from the nearest residences.

On the 6th of April 2011, Coalcliff SLSC was granted a Limited Multifunction Liquor Licence for the Coalcliff SLSC Clubhouse and I was made the Licensee, by The Office of Liquor, Gaming and Racing. The limited multi-function liquor license allowed Coalcliff SLSC to run 52 events a year with each event requiring the approval of OLGR, the Police and Wollongong City Council.

With the Multifunction Liquor Licence, the Surf Club decided to run musical performances for the community at the surf club, to raise money for the surf club.

The first live musical performance took place under the auspices of the liquor licence on Sunday the 5th of February 2012 from 12pm to 5pm. These musical performances evolved into what became known as 'The Bombie Bar' and attracted some of the Illawarra's and Australia's finest musicians including Midnight Oil's Jim Moginie, Mental as Anything's Greedy Smith, Ray Beadle, and Thirsty Merc's Rai Thistlethwayte. The Bombie Bar developed a strong following in the community. The Bombie Bar was situated at a spectacular outdoor location. Both the musicians and the audience expressed their regard for the fact that there were no big screens playing Keno or Live sport at The Bombie Bar and that the people attending were there purely to witness the musical performances. The Bombie Bar mainly featured original music and provided opportunities for local Illawarra performers to showcase their talents as both support and featured acts. Talented young, new and local acts from a diverse musical genre such as Rebecca Moore, Seven Suns, Big Erle, Swing Booty, Kava Kings, The Strides, Garfish and Caravana Sun played their own original music at The Bombie Bar. The Bombie Bar generally ran on a Sunday afternoon from 2pm to 5.30pm on the first and third Sunday of each month, from September through to June. All workers at The Bombie, apart from the performers and the sound technician were surf club volunteers who received no payment. Profits from the bar sales were deposited into the surf club account for the purchase of rescue equipment. The takings from the door entry fee were used to pay the performers. Several of the performances were fund raising events where all profits were donated to causes such as 'The Nepal Earthquake Relief' and Kurt Drysdale's, 'Small Steps for Kurt'.

After 4 years of operation the surf club received its first sound complaint via email on Sunday, January 04, 2015 from a resident of Coalcliff. Sound complaints continued from the one sound complainant to the Police, Council and to OLGR from January 4th, 2015 to late 2016. The Police were called by the complainant on several occasions to musical events taking place at the Bombie Bar (Coalcliff SLSC) and on each occasion the Police in attendance informed surf club members that there were no issues that caused them concern and they promptly left.

During the process of negotiating with the sound complainant in 2016, it was agreed to reduce the events to the first Sunday of the month only, from January 2017. On the 29th September 2016, the surf club met with representatives of Wollongong Council and on the advice of Council, agreed to make some changes to the operation of the musical fund-raising events. The most notable change was to change the name of the 'Bombie Bar' to 'The Bombie' presented by Coalcliff SLSC to prevent creating the impression in the community that the building was a bar and not a Surf Club. The surf club was also to begin the process of pursuing the necessary development approval in order to continue to conduct these events.

On the 21st December 2016, Wollongong City Council in a letter instructed Coalcliff to suspend a fundraising event known publicly as 'The Bombie'. The Council had formed an opinion that the

fundraising events in question were not within the approved use of the building as a surf club. Furthermore, Council's letter of December 21st stated that the continuation of such activities would result in enforcement action being undertaken and or fines being issued, under the Environmental Planning and Assessment Act 1979 (EPAA 1979).

At this point Surf Club was forced to cease all Bombie events at Coalcliff SLSC. It was subsequently revealed that the sound complainant had threatened to take the Wollongong Council to the Land and Environment Court. The Council's solicitor's advice to the Council was that Council would lose the case.

The advice of Surf Life Saving NSW continues to be that such fundraising events are a legitimate use of a surf club building.

The Bombie has not been held at Coalcliff Surf Life Saving Club since November 2016. However, the Surf Club has continued to be committed to presenting live original music to the community as a fund raising source for the surf club and the Coalcliff SLSC has operated 'Pop Up Bombies' at Anita's Theatre, Stanwell Park Country Women's Association Hall and at Coledale RSL Club. Coalcliff SLSC has a development pre lodgement meeting with Wollongong Council in July and we are beginning the process of redeveloping the current Coalcliff Surf Club building. There is a possibility that at some stage in the future that the Bombie may return to Coalcliff SLSC, however it is anticipated that the sound complainant will raise objections to any redevelopment proposal that the Surf Club submits.

Terms of Reference.

b ) The Bombie Bar was very popular with acts across a diverse musical genre that were not high profile but which were extremely talented and who did perform their own original compositions. Venues need to be encouraged in some way to provide performance opportunities for these acts. I feel that large commercial venues tend to book high profile acts and 'cover bands' which draw larger crowds. Smaller venues such as The Bombie Bar, can provide performance spaces for younger, new and local acts to show case their talents. To develop a vibrant and diverse musical culture in NSW, musical acts need to be given access to performance spaces and audiences. Venues may need funding support or other incentives to provide these opportunities.

c) A musical event that was to run once a month on a Sunday afternoon from 2.00pm to 5.30pm was shut down due to the persistent intervention of one sound complainant.

These performances were not taking place late at night or early in the morning.

There needs to be some legislative support that would allow such minimal impact events to be conducted.

There needs to be clarification about what constitutes the appropriate use of a Surf Club Building. Surf Clubs are often situated in locations that are removed some distance from residential areas and would appear ideal locations for musical performances. At this stage all other Surf clubs in the Illawarra are able to conduct musical fund raising performances because there has been no residential objection to them doing so. However, should a resident raise such an objection with Wollongong City Council, it would be assumed that the Council would direct the Surf Club involved to cease the events. It would also be presumed that this sanction could be applied to all Surf Clubs in NSW.