

**REPORT ON PROCEEDINGS BEFORE**

**PORTFOLIO COMMITTEE NO. 6 – PLANNING AND  
ENVIRONMENT**

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

**CORRECTED**

**At Wollongong City Council, Wollongong, on Wednesday 4 July 2018**

**The Committee met at 2.40 p.m.**

**PRESENT**

The Hon. Paul Green (Chair)

The Hon. Catherine Cusack

The Hon. John Graham

The Hon. Shayne Mallard

The Hon. Taylor Martin

The Hon. Penny Sharpe

Ms Dawn Walker



**The CHAIR:** Good afternoon and welcome to the third hearing of the Portfolio Committee No. 6 – Planning and Environment inquiry into the music and arts economy in New South Wales. The inquiry is examining the New South Wales Government's progress in implementing its response to the Sydney Night-Time Economy Roundtable Action Plan policies to support music and arts culture and legislation options drawn from other jurisdictions. The Committee is also considering whether local councils are setting realistic noise abatement and environmental impact targets in their consideration of development applications from cafes, restaurants and live music venues.

Before I commence, I acknowledge the traditional custodians of this land. I pay my respects to the elders, past and present, and extend that respect to other Aboriginal people who may be present today. Today's hearing is the Committee's first regional hearing for this inquiry. We anticipate that the Committee will visit other areas of New South Wales over the next few months. We will hear today from Wollongong City Council, Ms Ann Martin, Mr Jack Lincoln, the owner of Yours and Owls Cafe, the owner of the Farmer and The Owl, the licensee of the Bombie Bar, and representatives of the Illawarra Folk Festival.

Before we commence, I will make some brief comments about the procedures for today's hearing. In accordance with the broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus for any filming or photography. I remind media representatives that they must take responsibility for what they publish about the Committee's proceedings. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside of their evidence at this hearing. Therefore, I urge witnesses to be careful about any comments they make to the media or to others after they complete their evidence because such comments would not be protected by parliamentary privilege if a person decided to take action for defamation. Guidelines for the broadcasting of proceedings are available from the secretariat.

There may be some questions that a witness could answer only if they had more time or certain documents to hand. In these circumstances, witnesses are advised that they can take the question on notice and provide an answer within 21 days. Witnesses are advised that any messages should be delivered to members through the secretariat. To aid the audibility of this hearing, I remind Committee members and witnesses to speak into the microphones. In addition, several seats have been reserved near the loudspeakers for persons in the public gallery who are having difficulties hearing. I ask everyone to turn their mobile phones off or to silent for the duration of the hearing.

**MARK GRIMSON**, Economic Development Manager, Wollongong City Council, sworn and examined

**The CHAIR:** Do you wish to make an opening statement?

**Mr GRIMSON:** I thank the Committee for visiting Wollongong as part of the public hearings for the inquiry into the music and arts economy in New South Wales. Wollongong is a city transformed. Traditionally known for its world-class steelmaking and coal industries, Wollongong is today an important knowledge services centre, a globally connected international trade hub and a leading university city. The Wollongong central business district has undergone a significant transformation in recent years, seeing \$1.3 billion in investment over the past six years and a further \$600 million in the pipeline. As members will see out the window, there are nine cranes on the skyline.

The substantial transformation in the evening economy, which attracts people to visit, to socialise, to eat and to listen to live music. In fact, since 2012, more than 80 small bars and cafes have been opened in the CBD. The council has had a strong focus on the evening economy, particularly, as we call it, the night-time economy, which involves trading from 5.00 p.m. until midnight. Wollongong City Council recognised the importance of a strong evening economy and of creative industries to generate a range of activities and experiences that are important to achieve and to maintain a creative and vibrant city. In 2014 the council endorsed the Cultural Plan 2014-18, incorporating the Evening Economy Action Plan, the Live Music Action Plan, the Creative Spaces Strategy and the Public Art Strategy. I take this opportunity to acknowledge, in particular, Ann Martin, who will be appearing next. Ms Martin was the Chair of the Live Music Taskforce while she was with the council.

Wollongong City Council has undertaken a range of activities in this space to underpin and to support this sector. Since implementing the policy changes, it has reintroduced the issuing of section 149 certificates. They acknowledge that people living in the CBD can expect activities associated with the evening economy. As part of development application approvals for residential developments, the council has introduced acoustic privacy conditions. It has also established the Community Safety Reference Group through which people can raise issues about public safety, noise and so on. A range of development application information sessions has also been held.

A small business assessment team has been established that works closely with small cafe and venue operators to help them to navigate through the assessment process. We are also proud of our implementation of a streamlined events process, particularly for eight major sites across the CBD. That has enabled us to position Wollongong as an event-friendly city, and we have seen some very positive outcomes. While all of this has been occurring, crime statistics for Wollongong have improved substantially with the rate of alcohol-related assaults down by 12.5 per cent annually on average over the past five years.

Wollongong City Council remains a strong supporter of small businesses. In fact, 94 per cent of our 13,000 businesses across the local government area have a turnover of less than \$2 million. In 2015 the council joined the Small Business Friendly Councils Program, which is operated by the Office of the Small Business. Council continues to work with the Office of Small Business and Services NSW with the Easy to Do Business Program. We believe the program will substantially reduce red tape for people looking to open a cafe, a restaurant or a small bar. Obviously, that initiative is all about streamlining the process.

As a result of an increased desire for residential living in the CBD, in parallel with the growth of the evening economy, we have seen a substantial increase in residential development. It is forecast that that is likely to increase by about 150 per cent in the next two to three years given what has already happened and what is in the pipeline. As I said, Wollongong City Council has been proactive in that regard. We also recently joined the Night Time Economy Councils Committee as part of Local Government NSW and have been quite active in working with other councils across the State looking at harmonising policies, which potentially can facilitate the evening economy. I might leave it at that. I am happy to take questions. I also have here for the Committee a copy of our Wollongong investor prospectus, which the Committee might find of interest. It is more broadly about what is happening in the city and how Wollongong is positioning itself.

**The CHAIR:** We can never miss an opportunity as a Committee to invest in Wollongong and the South Coast. Mr Grimson, there are two points you made that I am very curious about. What can a resident with a 149 certificate expect when you say you put the issue on their notice? Can you explain what that looks like? What is the expectation of the person buying a property when they see that 149 certificate?

**Mr GRIMSON:** Yes, certainly. As I said, as a result of the council adopting in 2014 the cultural plan, including the Evening Economy Action Plan, and the Live Music Action Plan task force, one of the recommendations in that was to change our section 149 certificate for those owning property or purchasing a

property in the CBD area. We have actually changed the wording of our 149 certificate. I can read it for you, if you like. It states:

The Wollongong City Centre and Town Centres play a key role in accommodating 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, traffic and have longer hours of operation, which is part of living in/near a commercial centre.

We added that wording in.

**The CHAIR:** Have you had anyone make any submission against that 149 certificate disagreeing with that issue or legally challenging such a clause on their 149 certificate?

**Mr GRIMSON:** To give you an absolute answer, I am not aware, but I could take that on notice.

**The CHAIR:** Yes, if you could. It would be very interesting.

**Mr GRIMSON:** I can confirm if that is a definitive statement. But by and large we are not aware of any major issues being raised in relation to that. The whole idea is being up-front with people and saying that if you are buying in our CBD—in our B3 and B4 zones in our city centre—then this is your expectation. But, subsequently, we have also aligned any new residential developments or mixed use developments occurring in those zonings. They have acoustic and privacy conditions applied to them as well for new developments.

**The CHAIR:** That brings me to the development application [DA] addressing the acoustics. What does that look like in real terms?

**Mr GRIMSON:** Again, I am not sure if I can read it all out to you, but I can certainly give the Committee—

**The CHAIR:** You can table it. Just give us the essence.

**Mr GRIMSON:** Basically it is requiring double glazing on external sliding doors and windows and a whole range of measures to ensure that those residents who are living in our city centre, when they are inside their apartments, are going to be less adversely affected by noise.

**The CHAIR:** When you are building in the B4 zone that you just mentioned, there would be an expectation, if it is residential, that they would meet these acoustic developments requirements.

**Mr GRIMSON:** That is correct. The building across the road from here is an example. It had these requirements as cited and that I can table for you. It actually referred to this development that is across the road.

**The CHAIR:** So they cannot hear us?

**Mr GRIMSON:** I would not expect so.

**The CHAIR:** One issue that we are finding is that the built environment is changing. Old buildings are being knocked down and new buildings are being put up, but there are pre-existing noisy organisations. It might be a nightclub or it might be a church. How do you address where there is a pre-existing situation and that built environment is existing and you get vexatious people or people who are no longer happy to have that noise around them? I mean outside those particular zones that you are talking about because we are now having built up environment outside those B4 zones and other areas.

**Mr GRIMSON:** That is a good question. These things are always challenging. In the main, taking that blanket approach across the CBD and in those key town centres, we are changing the 149 certificates in each of those. Part of the issues prior to the council adopting this change of policy was that we did have new residential developments right on our fringe where there were residents raising concerns or issues. The organisation of the council, in adopting these new policies, has taken the view that if you live in the heart of our CBD areas, then you need to expect that there will be some high level of noise. Obviously the same noise standard requirements still apply on the whole. If you are a venue, you will still need to comply with the standard planning requirements in terms of noise outside of your building.

**The CHAIR:** I think we will probably have a look at that.

**The Hon. JOHN GRAHAM:** Mr Grimson, it is a fantastic story: You have got music up, the number of venues up, and violence down. In a lot of ways, that is why we are here—to find out why things are working in Wollongong. I was interested, in particular, in the first couple of recommendations in the submission which were about the Night-Time Economy Taskforce looking beyond Sydney and looking at places like Wollongong, where things are working, but also about actively engaging with the Night Time Economy Councils Committee

through which the councillors have actually got together to do some of this work themselves. I am interested in how much interaction there is with the councils committee at the moment and what is your view about why that task force should really widen its gaze.

**Mr GRIMSON:** Thank you. Certainly, we have been quite involved, as I said, with the New South Wales Night Time Economy Councils Committee. One of my colleagues, our city centre manager Sofia Gibson, is part of that committee. Sofia and I attended the first Night Time Economy Forum in October last year that was hosted by the Parramatta council. It was interesting that there were 130 staff from various councils across New South Wales who attended that. Despite the fact that it was held in Parramatta, more than 30 per cent came from councils outside of the Sydney Basin.

There is a high level of interest. There were councils from right across the State of New South Wales that attended that forum. The reason that those councils subsequently got together is because a lot of the issues are quite common across councils. To our way of thinking, it makes sense that we try to work through those issues collectively and look at how others may have dealt with them previously, or what we can learn from each other's experience. Hence our recommendation that the focus be broadened rather than being just beyond the Sydney CBD.

**The Hon. PENNY SHARPE:** I was very interested in your recommendation 4, relating to an integrated approach to planning controls. I specifically want to know the barriers and challenges you see are around pop-up events. Is it just that there is too much paperwork to make it happen? Where do you see some changes making that easier?

**Mr GRIMSON:** I think part of the challenge—and this is in relation to not just the night-time economy but planning more broadly—is that when you are a small business operator planning is clearly not your background and there are complexities associated with that. That is one of the reasons that we at the Wollongong council established the small business assessment team which, I suppose, has been given permission to act in some instances to provide more flexibility and advice around what a small business operator needs to know about those kinds of things. With respect to the specifics of your question, I read that the Live Music Office made the comment that it is not entirely certain what things might be considered as ancillary to your normal use. If you are a hairdresser who might want to have someone perform music for two hours on a Thursday night, do you need a new DA for that? Is that a change of use? We need to get clarity on those types of things.

One of the biggest challenges in working with small businesses in our city is quite often you get situations where a small business would enter into a lease for a particular retail outlet, go to council, get the DA approval and then be waiting six months to get their liquor licence. That is a common story. We have taken more of that hand-holding approach, in the early days in particular, and then working with our small business assessment team developing fact sheets. The economic development team has even organised meetings for them to sit down with the licensing sergeant so that they understand the steps in the process and what is involved. I think things are definitely getting better and I think the New South Wales Small Business Commissioner's office is now shining a spotlight on some of those areas and is making it a little easier for some of those agencies to do business in New South Wales. It is helping.

**The Hon. PENNY SHARPE:** Bringing us out of the CBD and into general festivals—we are hearing from the Folk Festival later this afternoon—are there any particular challenges or concerns you have about regulation that makes it hard for festivals to occur?

**Mr GRIMSON:** We are reasonably proud of some of the work we did. It is not necessarily a local government area-wide thing at this point in time, but we identified eight major sites across our CBD. The economic development team lodged a DA for those sites and we worked with various areas of council to have a DA that would set out all the terms and conditions required for those various sites. The idea was to streamline the process so that every time an event operator came to our city and wanted to put on a major event, they did not need to go through the DA process. Instead, those eight sites go through an event application process. Most of the requirements are known and if they can submit a proposal that shows that they can comply with all of those things, it is a much more streamlined process.

**The Hon. PENNY SHARPE:** If you have regular operators who have come yearly, are you able to give them standing permissions? For example, if they have already provided all of that information once, when they hold a second event that is similar, do they have to go through the same process every time?

**Mr GRIMSON:** They still have to go through the event application process, but it is much more streamlined because most of the things will be the same, if in fact this event is the same as the one that they did last time. Yours and Owls is a great example of that, and you will hear from them.

**The CHAIR:** Can you table the following documents: the Evening Economy Action Plan, the Live Music Action Plan, the Creative Spaces Strategy and the Public Arts Strategy. It would be helpful if you can take that on notice and send it to us.

**Ms DAWN WALKER:** Thank you for having us here and for your submission. It is inspiring seeing an economy change that way, so thank you for sharing that with us. I was interested about two aspects of that. One was public transport and whether you felt Wollongong's public transport was now sufficient to support that vibrant night life that you successfully—

**The Hon. SHAYNE MALLARD:** We will give them light rail.

**Mr GRIMSON:** It is a good question. Obviously any city's public transport system could always be improved. We are fortunate to have the green bus here, as it is known locally. That is a free service around our CBD.

**The Hon. PENNY SHARPE:** Mr Mallard has tried to knock it off twice.

**Mr GRIMSON:** Yes, you would be aware of the media recently. The State Government wanted to make changes to it. I believe we have resolved those issues at this point in time and the council and the university are now making a contribution to the costing of that. We have also seen things like Uber come to town over the last couple of years. I think it was early last year that Uber arrived in Wollongong. It was a recommendation of our review that we looked at a green bus on the southern route of Wollongong because it was acknowledged that a large number of our people who come to our centre to experience the evening economy are from further south. That has not eventuated at this point in time.

**Ms DAWN WALKER:** My other question relates to the conservatorium of music, which I understand is also another important aspect of your regional arts economy. Is there a plan to accommodate the conservatorium at the end of its lease in 2023 and does council have a role in that?

**Mr GRIMSON:** I would have to take that on notice. It is not an area for which I am responsible.

**The Hon. SHAYNE MALLARD:** I echo my colleague's views on how impressed we are on the transformation of Wollongong. Describe the Wollongong CBD for us before the 2014 plan was adopted and the transformation occurred and how that has led to the 12.5 per cent reduction of now correlated violence in the Wollongong CBD.

**Mr GRIMSON:** It is fair to say in our history, for example, if you go back prior to the period you have just talked about, we were characterised by an evening economy or a night-time economy made up of a small number of larger venues, which were pretty much geared up to university students. We had a number of those venues at the time on the State Government's list of—I cannot remember the exact terminology—a list of places which had a black mark against their names because of issues with their patrons. With that transition, what we see today is a totally different clientele coming into the city to experience our evening economy and we are seeing a much broader diversity of age—from university students and young people through to middle-aged people and mature-aged people who might be seeing a show at the Illawarra Performing Arts Centre and catching a meal beforehand and then going out afterwards for a wine at one of a number of our wine bars. You did not have that opportunity previously.

Subsequently, what we have clearly seen adding to that mix is the large increase in the residential population. Prior to 2012 there was not a lot of residential development, but there is no doubt that the rise of the evening economy has greatly added to the level of demand for people wanting to live right in the heart of our CBD. I was talking earlier to one of your colleagues. Traditionally, North Wollongong was like a retirement set, where people might downsize and buy a three-bedroom "expensive" unit in North Wollongong, but the people buying right in the heart of our CBD are young professionals, or those who want to be able to walk to work. Some of them might hop on a train and commute to the city every day, but when they are home they are living in the heart of our CBD and taking advantage of all of the activities that are happening here in our city.

**The Hon. SHAYNE MALLARD:** Do you attribute the reduction in violence to the greater diversity offered in the city and the high density of people coming in?

**Mr GRIMSON:** Obviously there is a range of different factors, but there is no doubt that the broader diverse group of people in our city after 5.00 p.m. has contributed significantly to that.

**The Hon. SHAYNE MALLARD:** Are those larger venues you have referred to as being on the watch list still operating as large venues?

**Mr GRIMSON:** A number of them are. Interestingly, I remember one of my colleagues said that we know we have had a great victory because one of them closed down and rebranded itself as targeting a whole new different cohort of people. There are still a couple of them. They recognise that they have had to change their offer to remain competitive. The answer is there are still a couple, but they have greatly changed their market.

**The Hon. TAYLOR MARTIN:** Please expand on the streamlining that you have done on the event management system in Wollongong. Is the process extensive?

**Mr GRIMSON:** As I have touched on, essentially we had a scenario, like most other locations, that whenever we got a major event operator coming to town, we were up against it in terms of the event being booked in and wanting to put tickets on sale about six weeks out from the event when they do not have a DA approval yet. That is a pretty typical scenario that we experience, and from talking to others we know that is pretty typical of many locations. Rather than having that as an ongoing situation, we said we would look at the eight sites, particularly around our CBD and foreshore. For the foreshore areas of Stuart Park, McQuade Park, the arts precinct in the heart of our CBD and in the mall in our CBD, we lodged a DA that would cover those different sites.

Each of those sites has different characteristics, so when we lodged the DA we worked closely with our colleagues across all parts of the organisation to develop something that everyone was comfortable with. Now we can have, for example, in each of those sites X number of events of a certain size, and different venues can have different sized events than others. All of those things are set out through to their waste requirements, their safety requirements, et cetera. That is set out for each site, and therefore when they lodge their event application, it is just a matter of saying what we decide to allow and how the application for the event marries up with that.

**The Hon. TAYLOR MARTIN:** Did the streamlining process happen all at once, or was it an ongoing process?

**Mr GRIMSON:** We lodged one DA for those eight sites.

**The Hon. CATHERINE CUSACK:** Who convenes the Night Time Economy Councils Committee? Which councils have participated in it?

**Mr GRIMSON:** I believe it is under the auspices of Local Government NSW. The councils that sit on the committee include Wollongong, the City of Sydney, the City of Newcastle, the City of Parramatta, Waverley Council, Liverpool, the City of Bankstown, Lake Macquarie and the Northern Beaches. I believe those are the members of that group.

**The Hon. CATHERINE CUSACK:** I apologise. Perhaps you can take it on notice, or we could get the list from Local Government NSW, the 30 councils that participated—

**Mr GRIMSON:** In the forum in October?

**The Hon. CATHERINE CUSACK:** Yes.

**Mr GRIMSON:** They would certainly have a list of those.

**The Hon. CATHERINE CUSACK:** It would be interesting to get their feedback. The night-time economy plan was to 2018. Is there a new plan? Has there been an evaluation of the plan that is coming to completion?

**Mr GRIMSON:** We are in the process of revisiting the plan as we speak; we are just starting to go through that process and that is being led by our cultural services area. I would have to take your question about an evaluation on notice.

**The Hon. CATHERINE CUSACK:** Did you have performance indicators, or measurables, in the plan?

**Mr GRIMSON:** We certainly had a range of actions, yes, which we have reported back to council.

**The Hon. CATHERINE CUSACK:** This question is a bit left field. Do you have policies to deal with busking, such as licensing buskers? Do you see these policies as part of supporting music and the cultural ambience in the city?

**Mr GRIMSON:** Yes, certainly we do have a process for licensing buskers in the CBD.

**The Hon. CATHERINE CUSACK:** Do you see that as part of your live music plan, or is the live music plan more about events?



**Mr GRIMSON:** I would see it as part of it, yes. In the mall, for example, in the past our city centre team has managed something called an open mic night. I am not sure when the last one was, but this allows new talent to come along. That is another evening economy innovation that we have held in the CBD.

**The Hon. CATHERINE CUSACK:** Does the council support busking?

**Mr GRIMSON:** Yes.

**The Hon. SHAYNE MALLARD:** It would be remiss not to ask about the Coalcliff surf club submission, which has not been published, because they will be giving evidence before this Committee later today.

**Mr GRIMSON:** I am not familiar with that submission. I cannot speak with any authority about it.

**The Hon. SHAYNE MALLARD:** Please take this question on notice. They have given a detailed submission about their operation as a live music venue, which used to operate once a week and now operates once a month. They allege that after four years of operation, the surf club received its first sound complaint via email from a local resident of Coalcliff. These complaints continued for two years and eventually the council closed down the venue. The complainants argue that the venue is not compatible with live music, and the surf club argues that if that is the case then what venue is compatible with live music? Legal advice was taken by council about the allegations and they were told that they would not win the case in the Land and Environment Court. I would appreciate a response, because the club has lodged a detailed submission. My colleague with a red and yellow cap in his car would also appreciate an answer on behalf of the volunteers, because this is a community organisation that is being limited in holding live music events.

**The CHAIR:** As noted earlier, the built-up environment around these reception centres is having more and more of an effect on live music events. We are looking at whether it is fair for people who live close to venues to complain about these events. Do you have statistics about alcohol-related offences being lower? Please give us a snapshot of what is happening with drug- and alcohol-related issues in the evening economy. You have told us that these statistics have dropped by 5 per cent, but that could mean two people or 2,000 people. Do you have the actual number of people?

**Mr GRIMSON:** I might need to take the detail on notice. As I said earlier, in terms of alcohol-related assaults as an indicator of crime in the evening economy, those are down 12.5 per cent on average over the last five years. Wollongong's statistics have not always been as positive as that, but we have seen an increase in the number of licensed venues at the same time that alcohol-related crime statistics have continued to decline.

**The CHAIR:** The Committee has heard about the culture at major concerts and evidence that people are drinking responsibly, with patrons having perhaps two beers while watching a concert and the minute the concert is over going home with no episodes of alcohol-related violence. Is that indicative of what you are seeing in Wollongong? Is the drinking culture changing?

**Mr GRIMSON:** I think on the whole that we have seen a diversity of offer with lots of different venues and different sized venues, and particularly the growth of smaller venues and restaurants with a liquor licence. That type of venue, by and large, has a good working relationship with both council and police. We are seeing more and more of this type of venue being established, and that is why we are seeing a reduction in alcohol-related crime, with more and more of those venues popping up in our city.

**The CHAIR:** What is the expectation from council as to policing and security guards at events in the night-time economy?

**Mr GRIMSON:** What is the expectation?

**The CHAIR:** Is it heavily policed? Do the police quickly clamp down on any disorderly conduct? Are there sufficient police? Does the council accept that private providers offer sufficient security when holding certain events?

**Mr GRIMSON:** Obviously there are security and policing requirements and generally we have a very good working relationship with police. For major events we will sit down with police as part of our ongoing consultation and talk to them about requirements on a case-by-case basis. I do not see that as a particular issue.

**The CHAIR:** It may not be but the Committee has been told that sometimes the expectation as to how much security a venue may need is overkill, which then takes away from the bottom line of that organisation to make money. The Committee is interested in the Wollongong experience. Thank you for appearing before the Committee today. You are required to answer any questions taken on notice within 21 days of receipt of those

questions from the secretariat. The great work being done is very encouraging. It sounds as if music, arts and the night-time economy are doing well in Wollongong.

**(The witness withdrew)**

**ANN MARTIN**, Artist Planner and Cultural Planner, affirmed and examined

**The CHAIR:** Welcome. Would you like to make a brief opening statement?

**Ms MARTIN:** First of all, I really thank the Committee for coming to Wollongong. It is wonderful to see all the Committee members here. I have taken the liberty of making an additional submission on broader arts and cultural policy issues. I have a copy of that submission for the Committee. I am unlikely to have this opportunity again so I have respectfully thought about this issue, which has been ongoing for 30 years or so, and seek the indulgence of the Committee. If I had a magic wand to influence the development and implementation of arts and cultural policy across New South Wales, in particular in regional New South Wales, including the Illawarra, Western Sydney and the Hunter, these would be the things that I would do—and in saying this, I actually do not believe in magic.

I would also ask the New South Wales Government to provide the regional cities of Wollongong and Newcastle with the benefit of the significant funding of the State Government's Regional Cultural Grants program. At the moment neither Wollongong nor Newcastle can seek funding for arts and cultural development, facilities or programs from this fund because in this case we are not considered regional. This, of course, is absurd and it means that both Newcastle and Wollongong have to compete with the massively powerful and connected Sydney metropolitan area for funding for new cultural infrastructure. In saying that, given its brief, a low-hanging branch for this Committee to lobby for is to ensure that full funding is reinstated to the Live Music Office, which has been influential and proactive in its work to support, encourage and inform the development and strength of the live music sector.

That is my opening statement but I would like the Committee members to ask me some of the questions asked of Mr Grimson because I probably have a bit of a detailed sense of some of those issues as somebody who is a planner and artist by trade—I wear both those hats. I am also an owner of a new venue in the southern suburbs of Wollongong and a former councillor of Wollongong City Council.

**The CHAIR:** In your submission you talk about the impact of poker machines. Would you like to speak to your thoughts on that?

**Ms MARTIN:** Clearly the impact of poker machines in pubs in New South Wales has been one whereby those pubs have decided that there is much more money to be made from gambling than from the selling of alcohol and the hosting of live music. In my additional submission, I have made a suggestion that the State Government should revisit the legislation around what happens to the income from gambling, particularly from pubs but also more broadly. That, in fact, could ameliorate the cost of funding for its arts funding body, Create NSW. I am appalled at the level of money being generated by pubs particularly. I have less of an issue with clubs because they have enough requirement already, although I think they need to be held more accountable—and I also deal with this in my submission—to be more creative and innovative in how they spend their money.

They should not just fund sporting groups, which I think a lot of them do, and refurbish their property, which they seem to do constantly. There needs to be more accountability from what happens to that money into State and general revenue. There is a significant opportunity for making sure that pubs are able to contribute much more to the vitality of live music, not only in their venues but also in their local areas. I could say something about the experience we had in seeking our liquor licence and the owner of the two pubs in Port Kembla objecting to those liquor licences on various grounds. Those pubs make a lot of money from gambling in one of the most disadvantaged communities in New South Wales. I think it is an area of opportunity to increase the amount of funding for creative pursuits at a State level, not just in the Sydney central business district but across the whole State.

**The CHAIR:** Paragraph 9 of your submission talks about artists, musicians and other arts practitioners needing space to actually make their work. I quote:

This is work space, **including live/work space**, that is functional, to rehearse and produce in, and a place to perform and exhibit and sell their product. This of course requires flexible planning amendments—perhaps a new definition in the NSW Environmental Planning and Assessment Act, inclusive, enabling zoning.

Would you like to speak to that?

**Ms MARTIN:** I have also mentioned that in my additional submission. At the moment it is extremely difficult to find studio spaces that are appropriate not only for visual artists but also for performing artists who are big enough to take the sort of work that needs to be done. The industrial zone, which appears to be where most people end up, does not allow dwellings, so therefore the capacity to live and work in your space is greatly

diminished—in fact, you are illegal. I lived in a car park in St Peters for about 18 months with three other artists—that was a long time ago, when I was single and not particularly sensible. The council at the time knew that we were there—and I think they were greatly amused by our presence—but in actual fact those big spaces are really good spaces for artists and musicians because they mean that you have got the room to do either your visual arts work or your music work. There are opportunities in the Environmental Planning and Assessment Act to revisit definitions.

Now I understand that work is being done to revisit cultural facilities as a definition and cultural infrastructure but I think more needs to be done. Again, I am a planner. I am a statutory planner, which means I deal with legislation on a daily basis. I know how difficult it is for people who want to live-work in appropriate spaces to find those spaces, particularly in regional New South Wales. Can I say that Sydney used to have significant artists' live-work spaces—all de facto, unofficial, but they are all gone.

**The CHAIR:** The Hon. Shayne Mallard commented on the Bombie Bar matter. It was in the right zone and with the right organisation trying to exercise their rights on their property. Over the back there is someone in their zone that has a right to their ambience, and they have clashed. How do you make another flexible zoning when you have already got the correct zonings but there is a clash?

**Ms MARTIN:** In that case you have got residential in one area and you have got a recreational zone, which is where the surf club is, in another. So it is a different zone again. Industrial zones are there because of the sound and the nuisance factor, if you like. Artists can be quite a nuisance, so I think it is actually quite appropriate for a more lenient application of that zoning. Can I say that there is actually a local government area—I think it might have been Tumut—where they specifically utilised an industrial zone with dwelling capacity. They did it as a special inclusion in their local environmental plan. That was specifically because in their area they had people who ran transport companies and similar and their business was such that they needed to live close to their work. So that particular council made an exception and allowed dwellings in an industrial zone.

What I am saying is that there is a precedent. Can I also say in respect to the Bombie, I was a councillor at that time and I was horrified that they had to cease operating. I did make attempts to make contact with them but they were in a different ward to me and we never did connect. But I was quite happy to advocate on their behalf and clearly that would have required a development application to allow them to run events at that venue. But we have real issues with the technicalities around surf clubs. I think it is not only our local government are, I think it is across the board, and more work needs to be done it.

**The CHAIR:** I think the Government has done some of that with the Crown Lands Act, which has been helpful, given a lot of these organisations raise funds for their local community and save lives. But that is another debate for another time.

**Ms MARTIN:** That is right. But I do mention the Crown Lands Act in my submission.

**The Hon. JOHN GRAHAM:** I want to acknowledge your good work in this area, which I know you are very passionate about, as is evident today. I want to cut to the heart of the issue for the Committee. Good work is being done here with music and venues up and violence down, which is a magical result in some ways. Why has that been possible in Wollongong without the issues that have occurred elsewhere?

**Ms MARTIN:** I think one of the key issues is around diversity of offer. Wollongong had a terrible reputation for violence and basically poor behaviour. I think by actively looking at the opportunity of live music and working in a proactive way with the Wollongong area command and facilities, venues, musicians and planners—we had them all around the room. I think the critical issue was around ensuring that we understood each other's issue and that in developing the live music policy we dealt with it in a two-pronged way. One was on the planning issues, regulatory issues and constraints and opportunities that that represented. The other was around what we needed to do to facilitate more opportunity for musicians and for the support of live music in the broadest possible way. The recommendations were quite clearly diverse on those two fronts.

I think the issue with Wollongong also is because in the time that this has happened we also did a major refurbishment of our mall. Up until then it was a dead zone. It was God ugly and had extremely poor lighting. We have one of the highest areas of security closed circuit television cameras in any city in New South Wales and the locals know those cameras are there. I think that also helps, and the fact that our police in this command have been very proactive and visible. Also, as Mark Grimson has pointed out, the fact that we have more people living in the city and also that we are a university town so we have more people coming in.

**The Hon. JOHN GRAHAM:** What has worked about the interaction between the music sector and the police?

**Ms MARTIN:** We have a liquor accord here that is quite different to the ones that are elsewhere in that it is more proactive and there are constant communications between all players. I think that is really important. And it is not punitive; it is a more collaborative approach. Also I think we understand critically the significance of hospitality to employment of young people.

**The Hon. JOHN GRAHAM:** Are those liquor accord principles written down?

**Ms MARTIN:** I have not got a copy with me but I know the local command would have that. I think it is useful for this parliamentary Committee to compare the liquor accord that we have in Wollongong to other liquor accords. I remind this Committee that Wollongong has come from a dark place from an employment point of view too. We are extremely motivated as a city and as a community to make a difference and hospitality is an entry point for a lot of young people for employment. We have a lot of reasons to get this right.

**The Hon. PENNY SHARPE:** I love your 10-point manifesto for what we could do. There are a lot of excellent ideas in there. As you have also been a councillor, what is the impact of the section 149 certificates? It is one thing to warn people, but once they are in situ and there is noise, what has happened?

**Ms MARTIN:** I have not heard that we have had as much in the way of complaints since those 149 certificates have been very overt. But can I also add that there has been a change in the protocol, if you like, around development approvals. I do not think this is just in Wollongong; I think it is statewide. That is the principle that whoever is there first, the others have to consider, whereas in the olden days there was not that kind of understanding. I think certainly that means that if there is a new dwelling coming in next to an established venue, it is actually the responsibility of the developer of those new dwellings to consider what is there already. It is not just about entertainment; it is also about other uses.

I think there are some good levers in the planning Act to make things easier. I think for us actually putting it in writing—if you are stupid enough to buy a property without looking at the section 149 certificate then you are going to find yourself in trouble. If you do your due diligence you should be getting that section 149 and saying, "I'm moving into an entertainment precinct, so therefore I should expect noise. I should expect a degree of garbage trucks picking up drink bottles at 2.00 a.m." I think it is about being very overt and very clear and also helping all the venues take responsibility as well and make sure that their clientele understand that if they cause trouble then they risk that venue closing down. We have lost venues, which was another reason why we developed the Live Music Taskforce, and now we are gaining venues.

**The Hon. PENNY SHARPE:** Is the task force still working?

**Ms MARTIN:** No, it is not—it was a sunset. Again, God help us from committees that just meet for the sake of it. A sunset committee, I think, is really helpful because it gives a deadline, and it means that you need to consider your outcomes.

**The Hon. PENNY SHARPE:** Do people who rent get a heads up about any 149 certificates before they move in?

**Ms MARTIN:** We did talk about the agents, and real estate agents should have information available for people in those areas. I do not know whether that has happened, but it was certainly one of the actions. Even though the CBD is a significant part of Wollongong, we have these venues across the entire local government area. We have them in Dapto, in the port, in Thirroul and in Coledale. I think it is important for the whole local government area to understand that. It is an indication of the success of any local government area that you do not centralise all your activity in one area. When you think about the issues that Sydney has been facing, there is a critical mass of activity that can at times cause problems. I do not believe in the arts precinct of Wollongong; I think the whole of Wollongong should be an arts precinct.

**Ms DAWN WALKER:** I am interested in the issue of poker machines. How do you see them in the live music scene? Do you have any examples of pokies pushing out music?

**Ms MARTIN:** I think the general consensus is that the pubs that are operating as venues do so because they have been successful over a long period. It is interesting because I think some of those pubs with poker machines are thinking, "Heavens, perhaps we should have live music." Again, it does not cost them very much because they are making so much revenue. The Sydney experience certainly was unbelievably negative as far as venues were concerned. We lost some really good venues in Sydney, and I think it has significantly lost the plot.

Our biggest challenge in Wollongong is not so much the poker machines in pubs. My comments about poker machines in pubs relate to the impact they had rather than where we are at the moment. I think the opportunity of poker machines in pubs is around how the State Government implements its own legislation

through the revenue raised from those poker machines. It is about how that revenue can be used in a much more positive and effective way with regard to music, encouraging new labels and interesting venues, and making open spaces good places for events and for live music. You do not need a venue to have live music; you just need to be able to set up a microphone. You do not even need a microphone; all you need is a space where people can go. You also do not need alcohol to have live music. It does help, but it does not always go hand in hand. I do not know whether that is helpful.

**Ms DAWN WALKER:** In fact, it leads into my next question, which relates to licensing laws and your experience running a business in this area. Are there ways they could work better?

**Ms MARTIN:** I have a funny story to tell about that. In the Wollongong local government area we have two police commands. We have the Wollongong command, which was part of the Live Music Taskforce and was fantastic, and we have the southern command. My mistake in chairing that task force was not to ensure that the southern command was involved. As a new venue, we have had our licence only for about a week. We applied for it in November. The local licensing police were remarkable in their negativity towards our venue.

Our venue is managed by 12 people, madly—it seemed like a good idea at the time. We specifically have a commitment to family friendly music and respect for punters and for staff. We are probably a bunch of lefty arty types running a venue in Port Kembla, which is a tough town. We are very clear about what we are doing—we are supporting live music. The licensing police basically said, "We will do whatever we can to make sure you do not get a liquor licence. You will have four security guards all the time and there will be no rock music, only jazz trios."

**The CHAIR:** At least you can have a mirror ball.

**Ms MARTIN:** No, no mirror balls. The conditions of our current licence include that we are not allowed to have a DJ desk or a dance floor. We are also not allowed to operate past 10.00 p.m. without a security guard. We are happy to have a security guard. We are horrified at the way we were treated.

**The Hon. JOHN GRAHAM:** Were you given any explanation for not being allowed to have rock music?

**Ms MARTIN:** No, and it was pretty out there. I think it was about the culture of that area. They had not caught up with the fact that what we were doing was absolutely what everyone would want to do. You want to have a venue that is family friendly and non-threatening. We had everything from country music through to rock music, punk music and zydeco gypsy music. We cater for everyone. We have poets, women and comedy. This is meant to be an inclusive venue. It was really disappointing.

From a licensing point of view, first there were the timelines and, secondly, the relationship between the police and ourselves. We would hope that now we are open and operating that that relationship will be a good one. We could not believe what we were told. It was like, "Okay, from now on every act will be called a jazz trio." If that was what it was going to take, that is what we would do. There is a lot of work to be done around the assumption that people coming to a live music venue are all headbangers, that they will drink until they drop and that there will be fights. The fights are not at live music venues; they are in other places where there is no live music.

Obviously, we are not going to serve eight-year-olds alcohol, but we will serve their parents. Having those kids at the venue dramatically changes the atmosphere. They are not in the bar. We have a big outdoor area and they are generally there. Having them there changes the tone, and we should be encouraging that. Some pubs do this really well and a lot of clubs do it really well. It is about encouraging a family atmosphere. It does not mean you cannot have headbangers as well, but it does mean that as a venue you are attracting an audience that wants to have a quiet glass of ale or wine and to enjoy whatever is on that evening. It is a grown-up approach to live music.

**The Hon. SHAYNE MALLARD:** I was a councillor for 12½ years on the City of Sydney council. In terms of liquor licensing conditions, were the police recommendations on only your development approval or do they relate to all clubs?

**Ms MARTIN:** No, you lodge your development application and you include an operations plan when you lodge it. That plan covers the broad parameters of what you want to do and how you want to do it.

**The Hon. SHAYNE MALLARD:** The hours of operation?

**Ms MARTIN:** Yes.

**The Hon. SHAYNE MALLARD:** Security and so on?

**Ms MARTIN:** Yes, all those things. Council then considers the DA on its merits. Council said to us, "You are a new venue in Port Kembla, so we will place some hours restrictions on you." We were quite comfortable with that. It said we would have to have a security guard after 10.00 p.m., which again we were comfortable with. Immediately you lodge a DA you have a certain amount of time to begin the process of applying for a liquor licence. We have an on-premises licence, which allows us to focus on entertainment, live music and theatre. We also do theatre and we have done debates; in fact, we did a republic debate, which was somewhat amusing. It then also provides for children, who are accompanied. In relation to the licence itself, we sat up with the liquor licensing folk for quite some time.

**The Hon. SHAYNE MALLARD:** The local command, or the council?

**Ms MARTIN:** No. They get a copy of the DA but they actually get to comment on your application. What they told us in the face to face was that crazy stuff. The other thing is that they do a written submission to the Liquor and Gaming authority, and the Liquor and Gaming authority has to consider their submission in determining whether or not you will get a liquor licence and what the terms of your liquor licence will be. As it has turned out, we are reasonably happy with the terms of our liquor licence.

**The Hon. SHAYNE MALLARD:** Your reference is to no dance floor and no DJ.

**Ms MARTIN:** Yes. That is part of the liquor licence.

**The Hon. SHAYNE MALLARD:** The police recommended that to the Office of Liquor, Gaming and Racing and it was put on your licence.

**Ms MARTIN:** Presumably.

**The Hon. SHAYNE MALLARD:** It is not on your council consent.

**Ms MARTIN:** No, it is not in the council consent. We do not have a dance floor, per se. We have a floor.

**The Hon. SHAYNE MALLARD:** I am just interested in that. I am interested in seeing consistency across the board about the commercial application of those sorts of rules.

**Ms MARTIN:** Yes. I thought the council did a really good job. I am not saying that just because I used to be a councillor. I think everyone is fearful of the development application process and whether or not you are going to get your DA approved, no matter what it is. I thought that this council did a good job and they were very respectful. Again, I am only one of 12 and I was not the person who is actually running the DA process.

**The Hon. SHAYNE MALLARD:** I cannot escape commenting that I note that you blame Bob Carr for problems in Sydney. I will leave that there as a comment.

**The Hon. PENNY SHARPE:** Nice try.

**The Hon. SHAYNE MALLARD:** Usually, other people are blamed for it. In Sydney, in my experience when we tried to bring some of the Melbourne small bars culture there—and I cringe to say that—the council of the City of Sydney campaigned hard on that and had a lot of muscle to do that. It got legislative change to do that and there have been amendments since then to increase the size because they were not viable. What levers did you pull in Wollongong to create that diversity of bars and venues away from the big booze barns, which we have heard you have?

**Ms MARTIN:** I think the levers we pulled were around acknowledging the diversity of our local government area for starters. We could have used, and I still think we should use, the lever of a development control plan to ensure that some of the issues we dealt with in the Live Music Taskforce are actually in the DCP. But, of course, the DCP is not a legislative document. The development control plan is not a legislative document and you can do variations. I think for us our focus was on understanding that what we need to be able to do as a city is everything from a tiny bar—and I think there is a new tiny bar that I think only takes 10 people, the Creamery—through to major events of 10,000 people. It is understanding that there are some basic principles that all venues and all musical events need to take into consideration.

**The Hon. CATHERINE CUSACK:** I just wanted to ask a question about busking. Do you have a comment on the busking?

**Ms MARTIN:** Yes. We do have a busking licensing system, but it is only in the CBD. Buskers can busk anywhere else, and there is a series of rehearsals. What I do notice is that people who are not licensed buskers still busk. Unless you are prepared to police it or send in the rangers, I think it is more important to be generous.

**The CHAIR:** Hear, hear. I think a lot of schoolkids busk.

**Ms MARTIN:** Yes, absolutely. They do not always sound good, but what the hell—they are having fun.

**The CHAIR:** Some of them make more than they make at McDonald's.

**Ms MARTIN:** And their mothers and fathers love them.

**The CHAIR:** That is right. I acknowledge my conflict of interest because of this wonderful piece of paper. In the light of the time, I thank you very much for your evidence. You have given us a lot of information that will be incredibly helpful. You were going to table this document that you gave us—an extension to your submission—and you are going to table those.

**Ms MARTIN:** Yes, and I have hard copies of the Music Canada report for you. It is a bit of light reading.

**The CHAIR:** You will table those, which is great. In the light of your evidence, the Committee might have some further questions for you. You will have 21 days to answer any questions you have taken on notice. The secretariat will be glad to help you. I thank you very much for your attendance and presenting your evidence as afternoon.

**Ms MARTIN:** Thank you. What you are doing is really important.

**The CHAIR:** Yes it is. Thank you.

**(The witness withdrew)**



**JACK LINCOLN**, Artist, affirmed and examined

**The CHAIR:** You are presenting as an artist. Is that correct?

**Mr LINCOLN:** Yes.

**The CHAIR:** Do you have an opening statement you would like to take us through?

**Mr LINCOLN:** Yes. I am originally from Shellharbour. I grew up around Shellharbour and Wollongong. I was learning at the Wollongong Conservatorium of Music and Wollongong High School of Performing Arts. I moved to Sydney two years ago to study at the Sydney Conservatorium of Music, doing a Bachelor of Jazz Performance. I play in both jazz and rock idioms with trombone and guitar, doing my own projects, expanding my repertoire and teaching primary and high school kids. The information I have put forward is based on my own observations and the observations of many of the other musicians I have worked with. I have talked about how Sydney has transformed in live music. It once was a creative centre, but is not as much now. I have referred to the impact of noise restrictions and the ways to get around it—some legislation and stuff—and building a better culture towards live music.

**The CHAIR:** Do you work full-time?

**Mr LINCOLN:** I am currently being a student but I am part-time just doing tutoring around Sydney.

**The CHAIR:** You are a muso by night or day?

**Mr LINCOLN:** Whatever nights I can. There is not a heap of stuff out there.

**The CHAIR:** If you are free to, can you give us a month in the life of Jack Lincoln in terms of what you do when you get a gig?

**Mr LINCOLN:** Yes. Usually, when I do gigs it will either be original music—so music created by other people that I am friends with—kind of jazz standard background music, or my own project stuff, which is rock stuff.

**The CHAIR:** Here in Wollongong or up in Sydney? How far do you travel doing that?

**Mr LINCOLN:** Mostly in Sydney, but I am still doing things in Wollongong here and there. That is my rock stuff down here.

**The CHAIR:** Okay. We have got a snapshot of Sydney and Wollongong. Perhaps we will just focus on Wollongong for a moment. Do you think there are things that could be improved in terms of giving young artists a hand up in Wollongong?

**Mr LINCOLN:** I would say there could be, for sure.

**The CHAIR:** And what would they be?

**Mr LINCOLN:** I think mostly there should be some more support for all-ages things. I remember growing up around here there were plenty of times I was not able to go to certain events or even play certain ones. One that sticks in my memory is when I think I was about 16. I was playing in a band that was supporting a very well-known band who had come down to the area. We played and instantly got kicked out. If there was better legislation to allow wristbands or something and to allow people to watch, at least, it could be really helpful to inspire younger musicians.

**The Hon. JOHN GRAHAM:** Thank you for what you are doing. Given that the people you are in contact with are also playing music, give us an idea about the change in Sydney, in particular, and what it has meant for how many gigs you can play and how much work there is.

**Mr LINCOLN:** A lot of people I am in contact with at the university are some artists who were really prominent in the 1980s and 1990s—they are the teachers. One thing they have said that has led to changes over the time is how culture has diminished. There are less people going out to gigs, less demand for it, more focus on pokies and nightclubs as well. Apparently in the 80s and 90s they used to have gigs every night and in the day they would spend the hours necessary to practise to be a really great musician.

**The Hon. JOHN GRAHAM:** How many gigs would you do in a week now?

**Mr LINCOLN:** Personally, I would have two a month.

**The Hon. JOHN GRAHAM:** That is very different to four or five times a week. Obviously that makes a massive difference.

**Mr LINCOLN:** Yes.

**The Hon. JOHN GRAHAM:** In Wollongong, how many all-ages venues are there, or events or opportunities?

**Mr LINCOLN:** I know the Rad Bar sometimes offers all-ages events, but it is a smaller venue so it is pretty hard for them to do that consistently. I think maybe the youth centre could be opened up to more all-ages stuff or be encouraged more to bring in music acts.

**The Hon. JOHN GRAHAM:** That would be a way to get kids started in music earlier and give them a bit of an outlet?

**Mr LINCOLN:** Yes, for sure.

**The Hon. PENNY SHARPE:** Have you experienced difficulties with noise restrictions in the gigs that you have played and what has that been like for the venues in which you have played? Generally, how have you found the noise when you play across so many different genres?

**Mr LINCOLN:** I found that noise travel happens a lot. It is hard to get some of the gigs because of the noise restrictions. I play trombone and electric guitar. They are both pretty loud. One thing that stuck in my mind in Wollongong, I remember on night at the Three Chimneys I was playing in a band and we had to put the noise levels down to the point that I had my amp turned off and I was not playing. Even when I have been doing jazz background music at gigs, there will be external complaints and police come by every so often.

**The Hon. PENNY SHARPE:** Do you think the police came by on the basis of complaints, or do you think that they are policing the noise?

**Mr LINCOLN:** They always said it was complaints.

**The Hon. PENNY SHARPE:** What types of venues were they specifically?

**Mr LINCOLN:** Generally smaller ones. It has happened in function centres as well.

**The Hon. PENNY SHARPE:** Function centres have been around for quite a long time. You would expect that they would have music played. There are obviously issues with the neighbours and they are making complaints.

**Mr LINCOLN:** Yes. One thing I outlined in my submission is that I am sure you are familiar with the story that there is a music venue that might have been around for 10 years, a new neighbour comes in, one complaint, and the music is shut down. I think that that is a bit silly, especially considering I lived in Marrickville last year and had planes go overhead every day.

**The Hon. PENNY SHARPE:** I live in Stanmore; I hear you. If you were to suggest one thing that this Committee recommends to Government to deal with live music generally and to support live music, what would it be?

**Mr LINCOLN:** I think trying to create more of a culture of the public going out to see live music. We can speak about the noise restrictions more, but I think a lot of the legislation, especially with the Liquor Act, is not directed specifically to the act of music making. We all know lockout laws came in to stop all the violence. Typically the violence was not coming from live music venues. I think if the Government was to push people to go to music venues as the primary thing they do for fun, in a safe manner, is the best way to move forward.

**Ms DAWN WALKER:** You mentioned that you are completing a bachelor of performance in jazz. Have you seen any differences in the opportunities available for musicians who focus on classical music performances compared with perhaps more contemporary music? Do you think the opportunities are different in Wollongong?

**Mr LINCOLN:** I would say it is a bit different. The Wollongong conservatorium is doing some great things with their jazz program to bring in different music. I find classical opportunities a little harder to come by, which is why I did not go down that path as much. There are fellowships and mentoring programs within the classical community that jazz and anything else could benefit from greatly.

**Ms DAWN WALKER:** In your submission you briefly mentioned the impact of pokies on live music. Do you want to elaborate on that?

**Mr LINCOLN:** I am not too well versed in the larger impact of it because I am pretty young. I did not get to see the transformation myself, but the accounts I have heard from others who have been working in the scene for a long time have talked to me about how some venues, especially in Sydney, featured live music regularly and when they started making money from the pokies, it was lost more and more. It is very easy to walk into most establishments and jump on the pokies, but is not easy to go and see something.

**The Hon. CATHERINE CUSACK:** Thank you for your evidence today. Returning to the original question about your experiences, you said earlier that you would be lucky to play twice a month. At which venues would you play? Do you play in other people's bands? Do you have a little network and they call you up?

**Mr LINCOLN:** It would normally be that within a jazz setting. I found with rock settings it is really yourself making the connections and trying to get in contact with the booking agents. Most of the time it is other people who make the bookings who have found a venue through some other means, or they will have the right contact, that kind of thing.

**The Hon. CATHERINE CUSACK:** Would you play in a band or solo?

**Mr LINCOLN:** Always in a band.

**The Hon. CATHERINE CUSACK:** How many different bands have you played for over the past 12 months?

**Mr LINCOLN:** That is a good question. It is always a bit different. Probably 20, off the top of my head.

**The Hon. CATHERINE CUSACK:** When you play for them, you have to rehearse?

**Mr LINCOLN:** Yes.

**The Hon. CATHERINE CUSACK:** It is a lot of work, is it not?

**Mr LINCOLN:** Yes, a lot of work goes into it and it is not always a lot of money. I think venues struggle to raise their revenue and it is hard for us to get it.

**The Hon. CATHERINE CUSACK:** That was going to be my next question. If you played twice a month, what would you be anticipating? Is there a schedule?

**Mr LINCOLN:** Not really a schedule. It is not always twice a month as well.

**The Hon. CATHERINE CUSACK:** Next time you play, what would your income be from that work?

**Mr LINCOLN:** It would not be very high. It depends on what the context is. If it is a jazz context, it will normally be \$150 for every three or four hours, and in a rock context I cannot expect to get anything.

**The Hon. CATHERINE CUSACK:** Is it fair to say that people working at the bar would be making more than the musicians?

**Mr LINCOLN:** Yes, easily.

**The Hon. CATHERINE CUSACK:** Most of you guys and girls are teaching music. Is that normal?

**Mr LINCOLN:** Yes. Most of my friends in my little community do that to get by. We cannot get by just playing gigs anymore, unfortunately.

**The Hon. CATHERINE CUSACK:** Have you ever been overseas?

**Mr LINCOLN:** Yes, I have been overseas once to America with the Wollongong Conservatorium of Music.

**The Hon. CATHERINE CUSACK:** Did you get opportunities to perform in America?

**Mr LINCOLN:** Yes, all over. San Francisco and California.

**The Hon. CATHERINE CUSACK:** Amazing. What did you learn over there?

**Mr LINCOLN:** It was quite a while ago. The main thing was working hard and trying to find as many opportunities as well.

**The Hon. CATHERINE CUSACK:** Do you think it is easier in America than it is in Australia?

**Mr LINCOLN:** It depends on what you are doing over there. I know there are a lot more tour circuits going on over there. It seems a lot harder for bands to book tours in Australia given isolation and that stuff. Looking at Wollongong now, it is always where people go on a little tour.

**The Hon. TAYLOR MARTIN:** Coming back to what you are saying about trying to tour, it seems that in years gone by it may have been easier for musicians who are starting out to get gigs at pubs. Is it getting harder and harder to get gigs at pubs?

**Mr LINCOLN:** Yes, I have found it harder because less pubs do gigs and usually they are looking for quieter things because most pubs, at least where I am now, are in heavily gentrified areas. It seems hard to make any noise in these areas.

**The Hon. TAYLOR MARTIN:** Is that your experience in those areas?

**Mr LINCOLN:** Yes, there are some pubs where I have played lots of shows, and there is an even bigger proportion that do not do them at all.

**The Hon. TAYLOR MARTIN:** Is that because of the noise, not because of violence or other incidents?

**Mr LINCOLN:** I would say it is more the noise, because in all of my musical experience I have not come across any violence. It is not just a jazz thing; I have found, especially at the Rad Bar, the community is very supportive. I have not seen any violence.

**The CHAIR:** In light of time, we will take a short adjournment. We may have further questions, which we will put on notice. If we do so, the secretariat will get in contact with you and you will have 21 days to answer those questions. We appreciate you sharing your story with us. We are running this inquiry because of people like you.

**(The witness withdrew)**

**(Short adjournment)**

**ADAM SMITH**, Owner, Yours and Owls Cafe, affirmed and examined

**JEB TAYLOR**, Owner, Farmer and The Owl, affirmed and examined

**The CHAIR:** Would you like to make an opening statement?

**Mr SMITH:** Yes. I am appearing on behalf of Yours and Owls. Mr Taylor and I work closely together. Yours and Owls began as a cafe in 2010. We have booked a number of shows over the years and have grown to being a live music venue five times a week. It became Rad Bar when we sold in 2013. We have moved into becoming a festival organiser, and as part of that festival we have booked the Rad Bar at the University of Wollongong, the UniBar at the Australian National University and a number of smaller venues around town. We have also begun a label and we look after managing a number of artists in the area. We also host a couple of events a year, such as outdoor concerts. Today the festival is the main focus of our business, but we began as a small venue and that is where we learned a lot about how to do everything we do. All our key relationships came from that beginning, and that was very important.

**Mr TAYLOR:** My role has been more in the record label and arts management, developing local artists from around Wollongong to being national and even international artists. Previous to that I booked venues in Wollongong for the last 15 or so years. I manage artists and run a record shop. I have been involved in local live music for a long time. I have helped local artists to develop through festivals to touring all over the world.

**The CHAIR:** What red tape and green tape have you found in running your businesses that hinders you from succeeding further?

**Mr TAYLOR:** Things have changed a lot since when we began in 2010. From our point of view, we do not run small venues anymore, and I can only speak about the time when we did run small venues, which is between 2010 and 2013. We saw a number of great changes happen in the council, but at the time there was not as much of a culture of small bars and small venues. There have been a number of changes in New South Wales, at a State level, bringing in a small bar licence. None of that was available when we started. The biggest thing is that it is quite intimidating for a young business owner to be faced with all the different legislative bodies, rules and development applications, dealing with licensing police and all that sort of stuff. I do not know how to summarise it, to be honest. Perhaps there is a mismatch between the venue and what you need to do for all the different authorities. Often, if there are too many barriers, you give up. We probably had to push the boundaries a bit, which put us at risk. It was not a very good strategy, but it was the only way we knew how to continue operating. It is not advisable, but it is what a lot of venues have to do.

**Mr SMITH:** I feel Wollongong especially has changed a lot in the last five years. Probably part of that came from the task force that I was a part of. What year was that?

**Mr TAYLOR:** It was 2013 or 2014.

**Mr SMITH:** Previous to that, when I was booking venues, I felt that noise was a massive issue. Two or three years previous to that, we had a lot of issues with venues I was booking in dealing with noise complaints. Partly the issue was there were many different regulations with noise complaints, and there was not a clear process for how to deal with those complaints. Sometimes they were dealt with by police, sometimes by council. There were many different avenues to try to work out how the complaints would be dealt with. That became problematic, and eventually led to the venue closing down because there was no solution. That has got a bit better over the last few years, but a lot of venues still do not know what the process is for noise complaints. Everyone is very scared of noise complaints, because they are not sure how they are going to be dealt with.

**The Hon. JOHN GRAHAM:** Thank you for what you are doing across the range from running a venue, running a festival and managing up-and-coming bands. With your range of experience, what can we do to make things easier? What is the number one change that is required to make it easier for others to do what you have done?

**Mr SMITH:** Some sort of clear processes that people can identify if they are looking to set up a venue, so that they know what they have to do and how to deal with any problems.

**The Hon. JOHN GRAHAM:** Who do those people who are setting up a venue or who have struck problems go to for advice?

**Mr TAYLOR:** We were very lucky in that we had a few key people in council earlier on that we got in touch with. They were really helpful, and we took a lot of their advice. We were also lucky that after the initial

period, when there were some teething problems and we had to learn how the rules and regulations worked, the council was willing to come on board and try new systems such as generic DAs. For people who are not as proactive and are more intimidated to approach authorities, if there was something like the Live Music Office to provide advice and talk them through the key things venue owners can do and are entitled to do, that would be a huge starting point.

**The Hon. JOHN GRAHAM:** Do you have any other suggestions for where venue owners can go for advice?

**Mr SMITH:** I guess police for licensing and stuff like that. They can give you a pretty clear direction.

**Mr TAYLOR:** I think it is all about relationships and keeping working on those relationships to try to bring people around to what you are doing, whether it is licensing or council. You need to remind them that you are here to provide something for the community, not to annoy anybody. Hopefully, eventually they will get on board with that. We were lucky that both parties did.

**The Hon. JOHN GRAHAM:** We have talked to quite a few venue operators, but we have not talked to festival organisers and promoters. Wearing your festival promotion hat, what would make it easier for you to organise a successful sold-out music festival featuring big names?

**Mr TAYLOR:** Going back to the generic DAs that Wollongong City Council implemented, that has definitely helped streamline that process. I do not want to get into criticism, because we are happy, but perhaps they could be looked at again to streamline them further, which would be great. On noise complaints, when we were a venue, that was not a huge issue. We have encountered those complaints as a festival organiser of an outdoor event, and that is becoming an issue for us. We have been given noise restrictions that we think are too low, and a lot of sound experts think the level is too low. Again, we work with the council to try to mitigate that as best we can.

**The Hon. JOHN GRAHAM:** Council imposed conditions in this instance?

**Mr SMITH:** And they are doing the best they can to make sure that local residents are not annoyed, we understand that, but then there are also 18,000 people over the weekend coming down who want to enjoy the festival. How do you balance that out? It is a huge amount of tourists coming to the area who want to experience a festival they can hear versus people who live next to the festival, which is in a idyllic spot but right next to residents. How do you weigh that up?

**Ms DAWN WALKER:** It was really exiting to read what you set up and where that has lead to. Going back to Yours and Owls Cafe, what do you think made your venue so appealing? What do you think enabled you to provide so much live music when you first started out?

**Mr SMITH:** We just kind of opened the doors up to all different types of performances, it was not genre specific. We had everything from poetry readings to music. We tried to really open up and that probably ended up to our detriment. We probably tried to do too much. I think giving things a go and reading the crowd and what the local area wants and trying our best to implement that was the thing. It is pretty hard to run a small venue—the overheads are huge. We just kind of relied on our own willingness to do it for free to be honest.

**Mr TAYLOR:** I think the context at the time that Yours and Owls opened was probably big as well. At that time I do not think there were any other small bars in Wollongong—maybe the Otis Bar had just started. Everyone was just going to big clubs still and it was something different at the time. I feel people kind of responded to that because it was smaller. You were able to put a larger range of stuff in and more diverse stuff in and people really responded to that. Obviously it has opened up the possibility for a lot of other small bars to open since, not that they are all live music venues but it has given the opportunity to really diversify Wollongong's night-time economy.

**Mr SMITH:** There was literally one small bar before us. They had a general bar licence I think and we had an on-premises licence. Now there are 65 small bars or something, so we were part of a shift in what people wanted. We were lucky I guess.

**Ms DAWN WALKER:** Now that you have moved into the festival and booking space, do you think you are seeing more artists being able to perform in Wollongong compared with when you started out?

**Mr SMITH:** I think so, definitely. As I was saying earlier, it is definitely all related. Everything we do with booking venues from small to large we can see that growth. We can see a band that plays at the Rad Bar to 60 people turn into a band that plays at the festival to 9,000 people a day. As Mr Taylor was saying, there was the Oxford, which was a pub in town that has gone now, that sort of closed up before we started, but really there were

not a lot of venues available. There are certainly a lot of musicians, a huge amount, who are doing really well. The population of Wollongong is still quite small compared to the cities but it really does seem like there is a captive audience here who are willing to get behind things, probably a student population as well with the universities.

**Mr TAYLOR:** When I first started working in music in Wollongong you could probably go out and see bands like two nights or three nights a week at the most sort of thing and I think now there is something on every single night. So there are seven nights at least with something but most nights will be multiple things, live music every night sort of thing, between venues such as Rads, UniBar, the Servo—where else?

**Mr SMITH:** North Gong.

**Mr TAYLOR:** Yes, North Gong. There is a lot more diversity of what you can go and see and a lot more opportunities to go and see. That has probably changed in 10 years. Like you said, development of artists as well—you can see bands. That is why somewhere like Rads is really important because it is such a small space but bands can really cut their teeth there. They can go and play there on a Wednesday night as a new band kind of thing. They can build up to selling it out and then they can build further beyond that.

**Mr SMITH:** Every act on the label we found them at Rads. We saw them there first and they played to nobody.

**Mr TAYLOR:** And Hockey Dad are a serious example of that. I first saw them on a Wednesday night playing to three people or something like that, and they have just sold out two shows at the Enmore.

**Mr SMITH:** These places are really important.

**The Hon. SHAYNE MALLARD:** I am assuming that you do not only book local bands but also bands from around Australia and perhaps internationally. The Committee heard evidence in Sydney that bands were skipping Sydney, coming to Wollongong and Melbourne. Is that your experience?

**Mr SMITH:** It is funny that you should say that because for years they were skipping Wollongong. We were banging on the door for long enough and they had to listen to us, now they have to stop at Wollongong. I do not know, I have seen that a little bit but I cannot really comment because I am not based in Sydney. I think certainly there are issues there and everybody knows the back story of what has happened in Sydney. I know for sure that we have seen a lot of musicians, promoters, industry people from Sydney move down to here. That is probably not something widely discussed but Mr Taylor and I have definitely come across it a lot—pretty established people who are just leaving Sydney. That is probably a little concerning. That is not great for everybody; it has got to be strong in Sydney for anywhere else to be good.

**The Hon. SHAYNE MALLARD:** Are they coming down here because of work or because of collaboration opportunities?

**Mr TAYLOR:** I think lifestyle and affordability is something as well. They can sell in Sydney and buy a nicer house at Thirroul or something like that. But also access to Sydney is still fairly easy from here if you only have to go there a few times a week. Yes, there is more stuff happening here so they can actually do some of their work down here as well. That has sort of been a part of it too.

**Mr SMITH:** It is not like they have moved here because there are more opportunities in Sydney but they are seeing that it is a possibility now to do what they do in a smaller town, which they would never have considered, I would imagine, five or 10 years ago.

**Mr TAYLOR:** As far as the skipping Sydney thing goes, I am not sure that I have really noticed that on tours or anything like that. I feel like there is always still a Sydney show but there are possibly some examples of that happening.

**Mr SMITH:** If it keeps heading down this path that may happen more and more, I do not doubt that.

**Mr TAYLOR:** There is an issue with Sydney with a certain size of venue at the moment, where the steps between venues are really big.

**The Hon. SHAYNE MALLARD:** Could you expand on that?

**Mr TAYLOR:** Going from say a band that sells out the Metro, which is 1,200 people, to really the next level up from that is the Enmore, which is 2,500 people. That is a big step for a lot of bands, even on a small level.

**Mr SMITH:** Newtown Social Club has gone, that really took a hole out there. You have the Lansdowne, which is great as well, but really bookers look at it and go, "There needs to be a solid 100-cap venue," or, "There

needs to be a solid 250-cap venue". At every level up there needs to be that infrastructure, otherwise, like you say, you do start having these holes and people go, "Where are we going to put these acts if there is nothing?"

**Mr TAYLOR:** That is where Sydney feels a bit disjointed at the moment where there are not the steps, where in Melbourne you will go through all those capacities, or even Brisbane.

**Mr SMITH:** Melbourne would definitely have it covered.

**Mr TAYLOR:** I feel that if some of them are skipping Sydney and coming to somewhere like Wollongong there are actually a few more of those steps to do that. It is not still ideal but there are still options.

**The Hon. TAYLOR MARTIN:** Having gone through the process of starting up your own premises, what were some of the bigger obstacles or speed bumps to getting up and running?

**Mr SMITH:** It costs a lot. The overheads and the set-up, the initial capital outlay for what you are able to bring back in is pretty crazy and you are lucky if you survive. That is the biggest barrier and I think a lot of people end up just doing it without really understanding what they are getting into. They might borrow a bit of money they did not have and then a year or so in they realise there is only so much that you can do with a small capacity. You have got these constraints where you have got to stop trading at midnight, when a lot of extra income can be earned in those additional hours that you cannot trade in. There are things like that are really tough to make it through.

**The Hon. TAYLOR MARTIN:** What about the regulatory side of things including council and State government? How do you coordinate?

**The Hon. CATHERINE CUSACK:** And police.

**Mr SMITH:** That depends who you are dealing with. Every precinct is different. We have been pretty lucky here, I would imagine. I do not know what it is like in Sydney but we have built relationships with police and council over the years. We had a turbulent start, I have got to say. If there is a general appetite for things like late night trading and things like compromising on sound restrictions and reducing those, then that helps massively. Because individual venues cannot fight that fight; they are not going to be able to stand up against the police commissioner and say, "I want this." They will not get listened to. If that is coming from a different level that is hugely supportive, and it is great that there is even a discussion about that.

**The CHAIR:** You have had to build up trust, and trust comes with long-term relationships.

**Mr SMITH:** That is right.

**The CHAIR:** Not short-term relationships.

**Mr SMITH:** No, you cannot get that overnight.

**The CHAIR:** It is obvious a new vendor would be far more vulnerable as they do not have that trust.

**Mr SMITH:** Absolutely. I think people have to be realistic about how long these things take.

**The Hon. CATHERINE CUSACK:** Did you travel around other regional venues doing research when you put your place together?

**Mr SMITH:** We started the venue when we were 21. We had done a lot of travelling but I do not think we had the intention of researching. I think it was a lot of subconscious data gathering there. We did have a bit of an idea of what we wanted. A lot of things did not work out and we had to scrap it and go back to the drawing board a few times.

**The Hon. CATHERINE CUSACK:** Have you seen other venues around the State?

**Mr SMITH:** Yes.

**The Hon. CATHERINE CUSACK:** And ideas that you think would work well?

**Mr SMITH:** Yes.

**Mr TAYLOR:** Yes, as a label and management kind of thing, I do travel around to a lot of other venues around the State, or around the world really. There are a lot of similarities everywhere but there are a lot of differences as well. Melbourne is still a different beast to Sydney—or Victoria is to New South Wales, I guess. It still feels like the venues sort of hold more weight as far as stuff like noise and policy and stuff goes. It still sometimes feels in New South Wales that residents have a lot more power than a venue or a hotel. Obviously that



is just observing it from being at places quickly, so you do not know what is exactly going on behind the scenes as well. I know Melbourne have had their problems in recent times.

**The Hon. CATHERINE CUSACK:** Are you confident that there are potentially good audiences everywhere?

**Mr SMITH:** How do you mean?

**The Hon. CATHERINE CUSACK:** The artists are great. The issue the Committee keeps coming back to in this inquiry is venues. I want to tick off the audience side of things.

**Mr SMITH:** When you say "good" do you mean acting in a socially—

**The Hon. CATHERINE CUSACK:** I mean if they had the opportunity they would go.

**Mr SMITH:** They would turn up?

**The Hon. CATHERINE CUSACK:** Yes.

**Mr SMITH:** You have got to build a culture of it. You cannot just, all of a sudden, roll in, put all these venues in and expect everyone to change their habits. If there was nothing before and all of a sudden you install these new great facilities and say to everyone, "Start going to venues", it is probably not going to happen that simply. It takes time for the culture to change. Places that have had iconic venues for a long time will have that captive audience already. With Wollongong we felt like we had to build it, not from scratch, as there was a rich history of bands here, but certainly venue wise there was not a lot. I do not know. I think music in general in Australia is extremely popular. The power of tools like Triple J is immense—we have seen that. It speaks to all demographics but certainly to younger people who are going to music shows. It is crazy how much influence it has. Yes, I guess there probably is an appetite.

**The Hon. CATHERINE CUSACK:** Is there an age group that you are appealing to?

**Mr SMITH:** For our shows we typically tend to see 18 to 30 being consistently the most. We try to get all different shows that attract different people but we just find that age group might be studying or they might not have as many commitments so they are willing to go out a bit more. That is not to say they are the only ones that go out and they are the only ones we should be catering for but that is just what we have noticed tends to be the main age group that are going out.

**The Hon. CATHERINE CUSACK:** In terms of bar takings, have you noticed that being a live music venue means more or less money at the bar?

**Mr SMITH:** Yes, you rely on it for sure.

**Mr TAYLOR:** I do not know festival wise, but going back to venue wise it seems like it is probably less money at the bar.

**Mr SMITH:** Yes, per head.

**The Hon. CATHERINE CUSACK:** I am really interested. My sons drink nothing like what my husband and I did when we were their age. It amazes me.

**Mr TAYLOR:** I feel when people are watching a band, they are watching a band kind of thing so they just do not drink as much. They drink but when they are just hanging out at a pub or they are just there with nothing else really going on people drink more I guess. It is probably a pretty vague analysis.

**Mr SMITH:** If people do not drink consistently, and you have a couple of weeks like that, you are in big trouble. But it is hard, because on the one hand you are told to tick the responsible service of alcohol boxes and be very careful. You have to do all of that, but you are also relying on people to go out and have a good time, spend money, buy drinks, buy food and support these venues. I guess you need everyone to participate.

**The Hon. CATHERINE CUSACK:** Do you find that people visiting your venue have visited other venues earlier that same night?

**Mr SMITH:** Yes, definitely. There are different types of crowds. There are the ones who just want to go and watch the band. They are really big fans and they are just going to go. They might have dinner or drinks and they will go out, have a few drinks, watch the show and go. Then there are those types of people who will make a night of it—they will have dinner here, have a drink here and will end up watching a show, or maybe they will flip that around or something. But, yes, there are different types of people I suppose.

**The Hon. CATHERINE CUSACK:** How do you book the bands?

**Mr SMITH:** There are a number of ways to do that.

**Mr TAYLOR:** Probably just in a couple of ways. The main ways would be the networks with booking agencies around Australia. All the major bands will have a booking agency that represents them. Ben, who books the festivals and books most of the venues around, will have daily contact with most of them, kind of thing, and they will either propose they are touring through town or pitch to be on the festival or something like that. Locally local bands or managers will contact him as a booking agent and ask for support spots. If they are putting out a release or something they might want to do a release show or something like that. Essentially it is just networks that have been built up over time really.

**Mr SMITH:** Were you wondering about the mechanics of how the deals are done for booking or just generally how it happens?

**The Hon. CATHERINE CUSACK:** How you source people. Is that something you do personally? Do you reach out or do you get given bands?

**Mr SMITH:** Like Mr Taylor was saying, there is another partner who unfortunately could not be here today. That is his specific role, but I am obviously aware of what has happened there. Once you have an established venue, people will contact you no matter what. Once you build trust and a reputation, you are a stop on their tour and they will play there. That is when you get to that level. Most local small and mid-sized bands will back you in and they will contact you. Once you want to start contacting big acts, you generally have to pitch for them. You contact the agent and you may have to provide a guarantee or money as an incentive. There has to be no risk to them. There are other types of deals where it already fits in with their planning and they will play. There are different ways of doing it. However, it boils down to the relationships you have with these agents, and it takes being an established venue to get to that point.

**The CHAIR:** Thank you for taking the time to appear before the Committee. You have given us a good insight into what is happening and who you are dealing with. We appreciate your evidence. In light of what you have said, the Committee may have further questions to ask on notice. The secretariat will help you with that. We appreciate your grassroots evidence.

**(The witnesses withdrew)**

**ROBERT DEACON**, Manager, Bombie Bar, sworn and examined

**The CHAIR:** Do you wish to make an opening statement?

**Mr DEACON:** I have been the club captain at Coalcliff Surf Life Saving Club since 2009, and I have been the licensee for the multifunction liquor licence since 6 April 2011. With a multifunction liquor licence, the club ran music events for the community to raise money for the surf club and for various charities. The first music event at what became known as the Bombie Bar took place on 5 February 2012. The bar operated without issue until 4 January 2015, when a Coalcliff resident made a sound complaint. The complaints continued from the one town complainant to the police, the council and the Office of Liquor, Gaming and Racing until late 2016.

On 21 December 2016, Wollongong City Council instructed Coalcliff Surf Life Saving Club to suspend its fundraising event known publicly as The Bombie. The council had formed an opinion that the fundraising event in question was not within the approved use of the building as a surf club. It was subsequently revealed that the sound complainant had threatened to take Wollongong City Council to the Land and Environment Court, and the council's solicitor advised that the council could 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 Bar has attracted some of the Illawarra's and Australia's finest musicians, including Midnight Oil's Jim Moginie. The bar generally ran on a Sunday afternoon from 2.00 p.m. until 5.30 p.m. on the first and third Sunday of each month from September through to June. Coalcliff Surf Life Saving Club is situated in a beautiful location. In fact, Jim Moginie described it as the best music venue the world. The bar had a strong following in the community. It was a family friendly event that featured original music and provided opportunities for local Illawarra performers to showcase their talents as both support and featured acts.

The Bombie has not been held at Coalcliff since November 2016. Since then, the surf club has operated pop-up "Bombies" at various venues in the northern Illawarra. Coalcliff Surf Life Saving Club has a development approval pre-lodgement meeting with Wollongong City Council on 16 July to begin the process of developing the current surf club building. It is anticipated that the sound complainant will raise objections to any redevelopment proposal that the club submits. There is no guarantee that the surf club will gain development approval to run The Bombie musical events.

In relation to term of reference (b), I believe that small venues such as the Bombie Bar can provide performance spaces for younger, new and local acts to showcase their talents. To develop a vibrant and diverse music culture in New South Wales, musical acts need to be given access to performance spaces and audiences. Venues may need funding support or other incentives to provide these opportunities. In relation to term of reference (c), a music event that occurred once a month on a Sunday afternoon from 2.00 p.m. to 5.30 p.m. was shut down due to the persistent intervention of one sound complainant. There needs to be some legislative support that would allow such minimal impact events to be held. There also needs to be clarification of 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 therefore would appear to be ideal for music performances.

**The Hon. TAYLOR MARTIN:** Thank you for making the time to appear before the Committee. This is not the first time I have heard from you in a hearing.

**Mr DEACON:** I appeared at the disability inquiry hearing last year.

**The Hon. TAYLOR MARTIN:** Thank you for engaging with this process. I also thank you for fronting up to express the surf club's concerns. We heard earlier about what happened with the Bombie. What is happening at the moment? Is the Bombie still able to raise funds in a similar fashion?

**Mr DEACON:** No. We had a limited liquor licence that allowed us to apply to hold 52 events a year. Obviously we had a bar that raised money, and the profits went to the surf club. We no longer have a bar, so we have operated at Coledale RSL. It gets the profits from the bar and gives us 10 per cent. We have had about seven events there and we got a donation of about \$600. It keeps the Bombie Bar brand alive and allows those acts that have been coming to us traditionally to continue to contact us and we hold events for them. Obviously it is not the same as at the surf club venue. It was a unique, beautiful venue and we cannot replace it.

I am holding a gig on 10 August at the CWA Hall at Stanwell Park with a band called The Pinks. It is an all-star band including Reg Mombassa and Peter O'Doherty from Mental as Anything, the Dynamic Hypnotics, and the Cruel Sea's Jim Elliott is the drummer. That is high-quality music and a high-quality band. Big Erle, from the Illawarra, is the support act. We are providing an opportunity for an Illawarra performer.

We will make no money out of that; in fact, we will be lucky to cover our costs. I have to pay \$150 to hire the hall, and that is a 50 per cent discount because I have a relationship with the Country Women's Association. I have to pay my sound technician \$150, which I again get at half price. I have to pay the support act \$150. That is \$450 straight up. I have also put about \$100 worth of advertising on Facebook. That is \$550, and I have sold 19 tickets so far at \$20 each. I have to sell about 10 more tickets before the band starts getting any money. If we do not cover the costs, I take them on myself. The last gig at Coledale RSL cost me personally \$350. It is very difficult to make money unless you can get a crowd. That is the key: You have to get the crowd.

We had a big following at the Bombie Bar in the end. At the start, we might get 20 people at an event, but we gradually built a following in the community. In the end, people were coming because it was the Bombie and they liked the music. They were not particularly concerned about the genre of the music; we had a wide variety of acts. They just came for the experience. It took a long time to build that up, and we have now lost it. I am now at risk all the time of not being able to cover my costs because of the loss of that venue.

**The Hon. TAYLOR MARTIN:** I am conscious that that particular incident involved a fundraising event. I am involved in my local surf club and I go on patrol. I know the club uses its premises to the best of its ability. Other clubs up and down the coast of New South Wales and interstate, particularly in Queensland and Western Australia, make use of their surf club venues. Do you know of any other clubs in the Illawarra that use their venues with no issues?

**Mr DEACON:** We were told that had there been no sound complaint we would have been able to continue to operate. I am aware of local surf clubs that are doing similar things—that is, using their venues to raise money by holding music events. If there is a sound complaint against them, they will be in the same situation as we are. The council will have to make the same ruling against them as it did against us—that is, it is not a legitimate use of a surf club building. There are other sporting clubs in the Illawarra doing the same things, and they will face the same situation.

We were told then that we had to put in a development application for music, but it then became obvious that our building would not be up to standard then. That would also apply to most of the surf clubs in Wollongong. We could have put in the application but we would have been knocked back on disability access, toilet facilities, parking facilities. It opened up a whole can of worms. That is why we are putting in a new application. It will cost \$300,000 or \$500,000 to redevelop the surf club to come up to standard so that we can now run music and performances, if we get approval to run music and performances. At least we will be able to run surf club events in that building again. At the moment, we cannot.

**The CHAIR:** It goes without saying that if you ran those events, you would be saving money to put into the asset maintenance of that surf lifesaving club, but you are not.

**Mr DEACON:** You could do. The surf lifesaving club is owned by the Wollongong council. We are basically using that money for rescue equipment. We have not put any money into the maintenance of the building at this stage but, obviously, some of our revenue can be put towards redevelopment and maintenance of that building.

**The CHAIR:** If the council owns it, how can it not be accessible in terms of disability services?

**Mr DEACON:** It is an old building. It was built in 1994. It has never been upgraded.

**The CHAIR:** Has it got concrete cancer?

**Mr DEACON:** I would not think so, no. I do not think that is going to be an issue for us.

**The CHAIR:** Did you get any legal advice about the use? For instance, I would have thought it was consistent, as you noted, with other surf lifesaving clubs doing it under the ancillary use.

**Mr DEACON:** Yes. We spoke to Surf Life Saving NSW and their legal advice was that what we were doing was totally aboveboard and within the guidelines for a surf club building.

**The CHAIR:** Unfortunately, councils are very risk averse. If they think they will get an adverse legal decision, it makes them very nervous. But the other side of that is that sometimes those laws need to be contested. Council would have to absorb the cost of that contestation, would it not?

**Mr DEACON:** I am not sure about that.

**The CHAIR:** Did you speak to any councillors on the matter?

**Mr DEACON:** Yes, a number of councillors.

**The CHAIR:** Did you lose a council motion that they would not endorse the contestation of that ancillary use definition?

**Mr DEACON:** Look, we are just volunteers. Everyone working there was doing it for nothing in the Bombie Bar. I am just the club captain and happened to become the licensee. We have not taken legal action against anyone at this point. Our idea is to work with the council, and that is what we are still trying to do.

**The CHAIR:** You have not got much choice, have you?

**Mr DEACON:** No.

**The CHAIR:** I just want to ask one more about the size of the crowd. What did you build it up to?

**Mr DEACON:** We were going to have 100 people to the event. If that was \$20 a ticket—we charged a door fee—that would be about \$2,000 for the band, once we had covered the costs. For the calibre of musicians we were getting, they needed to be paid. I heard you asking, "How did we get people to come?" We had this reputation. They were just ringing me and I developed a personal relationship with these people. So I would ring people like Ray Beetle or Jim Moginie or Rai Thistlethwayte, who are my friends now, and say, "When would you like a gig?" They would say, "Yeah, whenever you can give us one." They were getting good money from the gigs, but we have lost that crowd now. We are back to just scraping through and hoping people will turn up.

**The Hon. CATHERINE CUSACK:** I would like to clarify a couple of things. Your events ended at about 5.00 p.m. Is that correct?

**Mr DEACON:** Yes, at 5.30 p.m., generally.

**The Hon. SHAYNE MALLARD:** Not 5.00 a.m.

**The Hon. CATHERINE CUSACK:** The council is the trustee for the building. Is that correct?

**Mr DEACON:** They own the building. There is no lease. We do not have a lease with the council. None of the surf clubs in the Illawarra has a lease with the council. It is all very grey, all of this stuff.

**The Hon. CATHERINE CUSACK:** What is the relationship?

**Mr DEACON:** They just own the building. If something goes wrong, we ring them up and they come and fix it.

**The Hon. CATHERINE CUSACK:** There probably is some kind of document, do you think?

**Mr DEACON:** Look, even when we speak to Surf Life Saving NSW, they are telling us at this stage, "Don't sign a lease with the council." We are sort of caught in the middle of a situation that has been going on down here for a number of years. There is disputation between Surf Life Saving Illawarra and the Wollongong council as to whole lease agreements and everything. I am not an expert on this stuff. We did have a town planner who was helping us out and giving us advice on all that sort of thing and we have been following her advice.

**The Hon. CATHERINE CUSACK:** I am really interested. For example, do you pay the insurances for the building?

**Mr DEACON:** I could not tell you that for sure. As a surf club, every event that we run is under the auspices of the surf club and is covered by insurance—by Surf Life Saving Australia insurance, I think. So Surf Life Saving insurance covers all surf club events in that building.

**The Hon. JOHN GRAHAM:** I just want to be very specific about who you were dealing with in relation to the noise complaint. It was the council that was driving that interaction. They were the ones who brought that to you and were telling you there was a problem.

**Mr DEACON:** The complainant was complaining quite often to the council. In September 2015 the council asked to have a meeting with us. They were quite supportive at that point. They gave us some advice. First of all we had to change the name, not let it be called the Bombie Bar, which was just a name we had given it. We had to call it the Bombie, presented by the Coalcliff Surf Life Saving Club, so it became a musical event and so the building was not confused to be a bar. It was meant to be a surf club. That was one of the pieces of advice. The other thing was to get ready to put in a development application to run musical performances. I also had negotiated with the complainant and agreed to cut it back from twice a month to once a month, but at some point prior to our event that was going to take place on 1 January 2017, he made the legal threat against the council. That is when they then sent me out the letter, which I will table.

**The Hon. JOHN GRAHAM:** Yes. That would be helpful.

**Mr DEACON:** I will give you the letter.

**The Hon. CATHERINE CUSACK:** One complainant only?

**Mr DEACON:** Yes.

**The CHAIR:** How many times did that person make a complaint?

**Mr DEACON:** It was constant—calling the police. Every time the police came they just said, "There's no issue here. It's not at night. It's in the afternoon." You could see there were no intoxication issues. It happened repeatedly. They just went.

**The Hon. CATHERINE CUSACK:** A resident?

**Mr DEACON:** The resident was complaining, yes. He would call the police. The police would come. They would say, "There is no issue," and they would go. This happened repeatedly.

**The Hon. JOHN GRAHAM:** Just on the question of the agencies you are dealing with—and I ask this question because it turns out there are six agencies that deal with noise in the New South Wales Government, and we found out in questions on notice the other day that there is actually a seventh—I just want to be clear who you were dealing with.

**Mr DEACON:** Just the Wollongong council.

**The Hon. JOHN GRAHAM:** The council and the police were the two?

**Mr DEACON:** Only after the Wollongong City Council sent me that letter. They, the Wollongong City Council, sent that to the Office of Liquor, Gaming and Racing and then they sent out a letter to me saying that they also now were withdrawing their support for the events. I had to apply for every event to be supported by the police, the office and the council.

**The Hon. JOHN GRAHAM:** So it is three agencies now—the office of Liquor and Gaming. Was there anyone else that you had to deal with?

**Mr DEACON:** No. Prior to that, every time I put in for an event—I must have put in 30 or 40 events—there had been no objection or anything from any of those people.

**The Hon. CATHERINE CUSACK:** I would say it is the office of Liquor and Gaming again.

**The Hon. JOHN GRAHAM:** Presumably, it is quite confusing having those various agencies to deal with rather than one place to go.

**Mr DEACON:** Yes.

**The Hon. PENNY SHARPE:** I am generally appalled that it has been this hard. You say that you go through the DA process now.

**Mr DEACON:** That is right.

**The Hon. PENNY SHARPE:** What is the time frame for that being resolved?

**Mr DEACON:** We are talking a few years, I would say. We are just in the pre-lodgement process to find out if we can even do it. We are looking at redeveloping the downstairs area because we will not meet the disability access without that, and we will save a lot of money. We will create something similar to what we had, but whether we can still run music performances in the way that we did, we will probably have to challenge the council's ruling on whether a surf club can do that. Obviously, that has implications for every other club of our type down here. So that is where we are at. It was very popular. It provided those opportunities, not only for high-profile acts who were approaching us and asking us, but for those local acts and the young acts, and that is what we were providing. That is the market that we really wanted to support. Down here, particularly in the northern Illawarra, it tends to be cover bands and high-profile acts, and not many opportunities for those younger bands to play. That is what they really appreciated.

**Ms DAWN WALKER:** Have you had much support from Surf Life Saving NSW? This is probably an issue that will come up in other areas if it has not already. Can you outline any support that they have given or any interest they have had in the issue?

**Mr DEACON:** As I said, they have said to us that what we had done was within the guidelines for a surf club and that there should not be an issue. At that point, they supported us. If we were to take this into a legal situation we would obviously call on their support in a court, or whatever. They were supportive from the start,

and always have been. As I have said, there is a dispute between the surf clubs and Wollongong council regarding the signing of lease agreements. It is technical and I do not understand; I am just a volunteer. As I said, I am a schoolteacher. This was all new. If you had asked me 10 years ago, I never thought I would be promoting music events. It just happened. It has been one of the most wonderful experiences. It has been sad, but the people in music are amazing. They will play for nothing.

We had a benefit gig after the Bombie Bar was shut down on 30 March last year. Musicians came and played for nothing to hundreds of people at Anita's Theatre, which is quite a large theatre at Thirroul. They were trying to raise the money we had lost because half of our season had been shut down. Rai Thistlethwayte flew in from South Australia and Matt Smith flew in from Queensland. These people played for nothing for us. There has been a lot of goodwill for the Bombie Bar. We built that up through the relationship we have had with them. The venue had no Keno, there was no football on the screens. It is just people coming to listen to music. That is what they really liked. They also liked the fact that we were volunteers. We were not trying to make money out of anyone. It was a good thing, but it has been lost at the moment.

**The CHAIR:** There are no further questions. Thank you very much, Mr Deacon. In light of your evidence we might put some more questions on notice. The secretariat will help you with that. We appreciate the evidence you have given and we feel your frustration. We will endeavour to do something about it by way of recommendations and further representation.

**Mr DEACON:** Thank you so much for hearing me today. I appreciate it.

**(The witness withdrew)**

**ROD CORK**, Vice-President, Illawarra Folk Festival, sworn and examined

**GRAEME MORRISON**, Secretary, Illawarra Folk Festival, affirmed and examined

**The CHAIR:** Do either of you have an opening statement you would like to present?

**Mr CORK:** Yes. First, I thank the Committee for the invitation to the Illawarra Folk Festival. To clarify, at that stage, the Illawarra Folk Festival was one of the many activities of the Illawarra Folk Club. The Illawarra Folk Club covers the whole of the Illawarra, so our experience will be a little bit different. We cover Wollongong, Shellharbour and Kiama. The Illawarra Folk Club has been in existence since 1979, which makes us one of the oldest music organisations in the Illawarra. We have been presenting various versions of the Illawarra Folk Festival for 33 years, initially at Jamberoo, which is inland from Kiama, and now at the Bulli Showground. We currently have 450 financial members, although we do not see them all that often, but they are on the books.

The Illawarra Folk Festival has an aggregate of 10,000 people attending over four days, which is about 1,500 campers. Folk festivals tend to have two models and ours is the drawbridge model. We all go in on Thursday afternoon and we do not come out until Sunday night. Both festivals run on wristbands rather than tickets. That has a nice side advantage for people at the bar. We have an under 18s wristband and an over 18s wristband, so there is no problem with that. Our offshoot is Folk by the Sea, which is a smaller festival in Kiama that has been running for five years. We are coming up for our sixth year. That is an aggregate of 2,000 over the weekend. We also have a dance offshoot in the Wongawilli dancers, we have our own radio program, and we run fortnightly concerts, mainly in central Wollongong at the Wollongong City Diggers, but sometimes at Thirroul or Kiama.

Our audience is a little older. It has been interesting listening to the sessions today, because our audience is a little older. That is the case in New South Wales; it is not the case in Victoria, in particular. We define folk as probably musically augmented acoustic. In other words, we do not normally go for loud rock bands. We have a little bit of that, but not much. We belong to the Folk Federation and they define folk music as our history in music. That is a pretty good thing. It is multicultural music, initially reflecting all of the people from the United Kingdom, Americana. Particularly of late in the Illawarra we have such a cultural and interesting mix. We have a number of people who are European, Middle Eastern, Chinese—we have a bit of everything.

As site planning manager for Bulli, I am responsible for licensing the bar. The liquor I leave to Mr Morrison; I have enough trouble. Interestingly enough, that includes having to get a site licence from Roads and Maritime Services, which owns part of the Bulli Showground site. We have to have a DA, which I did last year. I was talking to Mark Grimson at the break, and I have to say I was pretty annoyed about what he said. We had a terrible time getting our DA and our section 68 licence. I listened to all the good things they did for another festival. It was that bad I was at the stage of quitting. The section 68 licence was granted 1½ hours after Wollongong council closed for the Christmas break. They were not coming back until the morning we came on site. We were that close to cancelling the festival. The whole process—the DA, the section 68, et cetera—took 10 months. Nobody in the council knew how to handle a festival of our size. They did not know what questions to ask. It just went on and on.

As I said, we have 1,500 campers. One of the big problems with running a camping festival is the rules that we have to comply with are exactly the same rules as a camp site that runs for 365 days of the year. We would question the relativity of things like washing machines and showers. While you have to have showers quite obviously for health reasons, you do not need the same number of showers for a two-day festival that you would need for a permanent camp site. We even had to have a ratio of mirrors. Anyone who has been to a folk festival knows that the last thing you do is look in a mirror.

Another big problem for me and my wife is that I have been the stalls coordinator. We live off our food and our bar. As I said, most people do not leave for three days. We have about 30 food stalls. One of the big problems with food stalls is that they are licensed by each individual council. That may work for restaurants, and it may work for markets, but the kind of stalls that we need are stalls that can trade on food for 18 hours a day for 3½ days. That is a big logistics exercise. A number of food stalls will not come to us because they do not want to pay for the licence and inspections for one event that is three days a year. This becomes a huge problem when people inevitably cancel out, given our festival is in early January, and stalls cancel out a week or two weeks before. We cannot replace them because they do not have a licence, and Wollongong council is closed. That is it; we have to run with short stalls.

The other big problem we have with the Bulli site is that about a third of it is owned by Roads and Maritime Services. Part of the DA condition is we have to get a licence from RMS or a permit. There is no clear



way to do that, and we currently work through contacts. No-one actually knows what the process or time line is to get a permit from a government department. Interestingly enough, we have a similar problem in Kiama, where we run at the Kiama Showground, which is owned by the Department of Lands, or whatever it is called this week. We want to increase our camping period, which dates back about 30 years. Nobody in the Department of Lands knows how to do it.

The other problem is our grants. As I said, we are across three council areas. As was referred to earlier, the Bulli site sits in the northern area of Wollongong and it is classified as part of Sydney for grants. If you go a little south of here, it is regional and has a totally different grant system. We are a club that operates across all three councils and one showground is treated totally differently by government departments to another one. For grants, again, the timing is a huge problem. When we do get them, which is not all that often, they normally come in only a few weeks before, or even after. While that helps our coffers, the point is, if we knew we had a \$50,000 grant or a \$30,000 grant, we could spend more money on musicians and maybe sound gear. It is really hard to use effectively a grant of even \$10,000 after the event.

Finally, I have an observation as somebody who spends a lot of time at other festivals, many in Victoria, and is currently selecting musicians for a festival. We have heard a lot about what is going on in Sydney, but what is noticeable over the last three or four years is the good young musicians are coming out of Victoria, not out of New South Wales. Those who watch the ABC will know about the quirky bands you get on various ABC programs. We see them in Victorian festivals and then coming up here, but we do not have equivalent bands in New South Wales. I think that says a lot about what is going on in Sydney.

**Mr MORRISON:** From a licensing point of view, the festival depends to a large extent on whatever sources it can get. We get very limited government assistance or even sponsorship. One of the major sources of income for the festival is literally the bar. We try to run that as best we can to make it a pleasant experience. We know people are there for the music, not to get drunk and carry on in that regard. I have been the licensee for our folk club and festivals since 2000, so I have some experience in doing applications. They are becoming more and more difficult and harder to do. I am a lawyer and I have problems with the forms we have to fill in.

I have to do two applications per year, one for Folk by the Sea, which is treated differently, and the other for the Illawarra Folk Festival. One is at Kiama and the other is at Wollongong. They come under different licensing regimes with regard to the police and fall under different councils, which have different requirements. Folk by the Sea is a small festival, which attracts 2,000 people. It is an 18-page document to get a liquor licence. The staff of the Liquor and Gaming NSW has been reduced, I think, and there are not enough people to handle the applications. We often get the approval literally weeks before the actual festival. At the Illawarra Folk Festival \$30,000 is invested in alcohol, equipment and whatnot. I cannot run any of that without a licence. If I am getting the approval a week or two beforehand, despite the application going in four months beforehand, it is very difficult and you start pulling out your hair.

The applications are virtually the same every year. It is the same venue, the same bar, the same premises, and yet we have to treat each new application as if it is virginal. I cannot understand it; there should be something on the file saying this is the same application as the year before and nothing has changed. We got approved for every other year, and we have been approved since 2000. Why do we keep going through this? There should be a requirement to notify the proper officers should there be something different, but there is nothing different and I do not see why we have to keep filling in these applications. All our staff has to have responsible service of alcohol or RSA; we must have security; we know what the requirements are. We get regularly checked by the licensing police, who come out. They are more than happy with how we run the festival. People are not there to get plastered; most of them only drink alcohol as enjoyment while listening to music.

I am really concerned about another thing that has been noticed. As we liaise with all the other festivals through the alcohol suppliers to the other licensees, I am well aware of what is happening at Kangaroo Valley Folk Festival, and that is that they are getting more and more restrictions. The folk festival's drinking venue is now restricted to an area half the size of this room and is not allowed to sell full strength beer. It has to sell light beer, 3.5 per cent, yet it is allowed to sell full strength cider, red wine, white wine and spirits. We do not sell spirits; we think that is unnecessary, but we are concerned that these restrictions are coming in for no apparent reason.

We also notice that our hours are getting restricted. As I am getting older, that is not necessarily a bad thing because I have to be there until we close up. However, ours is a volunteer festival, and the volunteers work all day, so the only time they get to relax and mix with musicians is when all things have shut down, 12 o'clock. We have managed to get an exemption until 1 o'clock, but that is now getting harder and harder. It is all done by people who have no idea what type of festival we are trying to run. As our festival is run by volunteers, we have

to put in the hours outside our normal jobs to try to get licences through, and we are literally pulling out our hair to make sure that deadlines are being met. That is something that should be taken on board.

**The CHAIR:** I understand your immense frustration.

**Mr MORRISON:** Our festival costs roughly \$500,000 to run, and that is all raised by volunteers.

**The CHAIR:** Have you had complaints about noise, opening hours, et cetera?

**Mr CORK:** Yes. We are on the Bulli Showground site, which is a very old site. It includes a greyhound track, and between us and the highway is a group of houses. In the past, we have had a few complaints from the houses on the highway. It has never been a real issue. I should explain that we do not have open-air events; all our music is either in tents or inside existing buildings. We have had complaints, but the council has not upheld them. Our big concern now, as I mentioned in my submission, is that by the time we go on site in January next year, the Bulli brick pit housing redevelopment will be finished, with about another 30 houses being built hard on our southern border.

While we heard great things from Wollongong council earlier, and I would have to say we had a few interesting words during the break, we do not fall under this enlightened regime that Yours and Owls gets. We have to have a full DA and I am pretty angry about what I heard, given what we went through last year. We do not have noise exclusion zones. We believe we will have more problems. Another problem we have had occasionally is locals complaining about access to the showground site, which also have not been upheld. We have a safety and security management plan, and that says we control everybody on this site. The other 360 days of the year, locals walk through the showground. There are complaints about that, but unlike what we heard earlier, our noise complaints and our access complaints have not been upheld by council.

**Mr MORRISON:** When we moved to Bulli and we put the new DA in—I think it was 2006—in 2006, 2007 and 2008 we put noise monitors at the various boundaries and we were well within the DA.

**The CHAIR:** What is your relationship with the Kangaroo Valley Folk Festival?

**Mr CORK:** Friends. We do share volunteers. All the folk festivals up and down the east coast all know each other. A number of our volunteers cross over, but there is no legal relationship. That is the Shoalhaven Folk Club.

**The CHAIR:** I have done that one a few times.

**Mr CORK:** Our Kiama festival is a similar size to that one.

**The Hon. JOHN GRAHAM:** I said before that the Committee has not taken much evidence from festivals but you have just given us a rollcall of the hurdles you have to jump to run this significant community event. You talked about the Department of Lands issuing camping permits. Can you give us a little bit more background about that?

**Mr CORK:** That is the Kiama festival. I have to say firstly that the Kiama festival came about on the invitation of Kiama council. Up until his retirement, our first point of contact each year was the general manager of Kiama council—pretty good cooperation—and he was also our number one volunteer. We are on what is called the Church Point Precinct going back to the early days, which consisted of two church grounds and a showground that has three buildings on it plus the two sporting ovals. The sporting ovals are ultimately owned by the Department of Lands and there is a very old permit to camp there, which limits it to I think 68 sites. It is just too small for us now. So we asked council if we could increase the number of sites and they said they would try but it is Department of Lands. So far, over two years of trying, they still have not managed to find out how to increase it. We suspect the limitation went back to the old showers and toilets that were there on an earlier showground site.

**The Hon. JOHN GRAHAM:** What do you mean by that?

**Mr CORK:** They have written to the Department of Lands and said, "How do we do this?" and there is no answer.

**The Hon. JOHN GRAHAM:** They cannot even say what the process is?

**Mr CORK:** We have not even got a process beyond contacting the Department of Lands. It is stalled at that, and has been for nearly two years.

**The CHAIR:** There are two challenges when you do these sorts of things.

**Mr CORK:** Of course there are.

**The CHAIR:** One is garbage bins and the other is toilets. They are always two of the biggest issues.

**Mr CORK:** In this case we more than reach the ratio of toilets, garbage bins and showers.

**The Hon. CATHERINE CUSACK:** Where does Roads and Maritime Services come into the equation?

**Mr CORK:** I do not know how familiar you are with this part of the world, but if you drive north on the Northern Distributor from here you will end up at southern Bulli where it goes onto the highway.

**The CHAIR:** We have just come in from that way.

**Mr CORK:** So right in front of you as you come off the highway at Bulli you will find an open slab of land where the RMS holds a reserve to take the expressway from there, in theory, up Bulli Pass and bypass the Bulli township. So they currently own 90 per cent of what is currently the Bulli Showground.

**The Hon. CATHERINE CUSACK:** So it is in the middle of a road corridor?

**Mr CORK:** They have done nothing with it. When we occupy the Bulli site we have probably about 60 per cent of our festival on what is the greyhound track and ancillary buildings, then there is the showground and then beyond that—if you have never seen it, it is worth looking at—is Illawarra Grevillea Park, where an old brick pit has been turned into a botanical garden for grevilleas. We use all three sites. The big problem for us is twofold—if RMS ever take this up then our festival site is finished, but in the meantime to get a DA you require a letter from RMS saying that you have permission to be on this site. You cannot get your DA until you do that.

**The Hon. CATHERINE CUSACK:** So there is no trustee for that portion of the land?

**Mr CORK:** No. Because this is a small place and everybody knows everyone, we have had contacts with people who have been involved with RMS and we knew where to go but that is all finishing up as people retire. There is no clear pathway to get that RMS permit or a time line for it. When you are running a DA that is very difficult.

**The Hon. CATHERINE CUSACK:** So you use that land for camping?

**Mr CORK:** Camping and entertainment. The showground, which you have to have permission for, includes the showground pavilion where they actually hold show events as well.

**The Hon. CATHERINE CUSACK:** Is there a showground trust?

**Mr CORK:** Yes, there is.

**The Hon. CATHERINE CUSACK:** Do they have camping at other times of the year?

**Mr CORK:** Not for the showground but for other events. In the last couple of years in the whole complex there has been a vintage motorcycle festival, which is quite large, the Festival of Wood, and a few other things. So there are other events. This is where it gets back to what Mark Grimson was talking about, our argument in our submission is that right throughout New South Wales sites like the ones we occupy should have an overall site DA—which is exactly what they appear to have done but nobody bothered to tell us for the central Wollongong ones. They hold the DA and we just licence off that, which would make sense and we would not have to go through any of this.

**The Hon. CATHERINE CUSACK:** There is a showground trust?

**Mr CORK:** Yes.

**The Hon. CATHERINE CUSACK:** And you book the venue with the showground trust?

**Mr CORK:** Last time I counted seven entities owned the whole site.

**Mr MORRISON:** And we have to negotiate with each one.

**The Hon. CATHERINE CUSACK:** What role does council have in all of this?

**Mr CORK:** That is an interesting one. To a degree, in theory, they own the showground and they in fact own—in theory, they at least manage the whole site. It is very murky. This is where it all gets so hard when you are trying to do a DA. That is why the DA and the section 68 licence took 10 months. It gets really hard about what council is doing, what it is not doing, what control they have over it. One of the arguments has been: Can the fellow who runs the Grevillea Park trust licence us to be there or do we have to have a council licence? That was argued over about two years, nobody knew. It is a very murky site.

**Mr MORRISON:** When we applied for the DA to Wollongong council, they own part of the site. We had to get a letter from them to get permission to put the DA into Wollongong council.

**The Hon. CATHERINE CUSACK:** I understand exactly. The owner of the land needs to consent to the DA.

**Mr MORRISON:** Yes, but we could not get that letter.

**The Hon. CATHERINE CUSACK:** Your patron is standing there looking at a showground, a piece of land, and you are having to get multiple—

**Mr CORK:** And it gets worse. At one stage downstairs I had a fight running between the property section of Wollongong council and the planning section, where planning would not accept our DA until we got a letter from property and property would not issue the letter until we had a DA.

**The Hon. CATHERINE CUSACK:** As far as you are concerned this is all public land?

**Mr CORK:** Yes, the whole lot. Even though the Greyhound Breeders Owners and Trainers Association has a lease on the major part of it and has regular races there, but it is all Crown land.

**The Hon. JOHN GRAHAM:** Who regulates the number of mirrors you have?

**Mr CORK:** It is in the regulations on camping sites.

**The Hon. JOHN GRAHAM:** Whose regulation is that?

**Mr CORK:** Technically I suppose the council. To be fair I will say that what happened here in one of the problems we ran into—we normally have a five-year DA. When we started the DA process for the 2018 festival in February last year, nobody was sure how to process the DA. I was given a form, as I said in my submission, that says size of building, height of building, lot number—there are about 50 lot numbers on the site. Nobody could give us any instructions. One of the things we ran into very early was who was doing what. In the end they gave us an extension on the DA, which had already been extended and had been extended, so we still fell under the old conditions. We have only got a three-year DA instead of a five. The planner has warned us that the next time round we will run into the full rules, which we are currently avoiding, under the camping regulations that say you have got to have all these things, which includes mirrors. Mirrors to us are the greatest joke but so are washing machines. One of the council employees actually suggested we should get the local laundry for the homeless to drive through every day just to fulfil that requirement—they were serious. That is just how stupid it is getting.

**The Hon. PENNY SHARPE:** I congratulate you on putting on two folk festivals, despite what we have heard today. As you know, earlier I was asking the council and they seemed to think there was nothing to see here. Clearly, there is a lot to see here.

**Mr CORK:** We had some interesting discussions in the break.

**The Hon. PENNY SHARPE:** Mr Morrison, you said that you have been doing the liquor licence since 2000. How long did that take you in 2000? How long does it take you now? Also, what has been added to make your life more difficult?

**Mr MORRISON:** In 2000 the form was literally two pages. You filled it out and you sent it to Gaming and Racing, I think it was then. There was no need to consult with the council, no need to consult with the police, it was all done in house. I am just trying to think, it was called a one-off event licence, even though it went for four days. You told them where the bars were and you had to report back on what you sold. I think you had to pay tax or something on what you had sold, from memory—it is going back a while now. Now, as I said, for the last festival, that is the small one, it was an 18-page document. For the management policy you have to put what security you have got, you have got to detail what experience you have had. Even though it is a set form—and a lot of it is literally copied from the other—it still takes, I would say, three or three and a half hours to properly prepare. And then you have got to chase up the organisations who are tardy and do not respond, such as Wollongong City Council. Interestingly enough, Kiama council has no real problems with replying straightaway, Wollongong police are good and Kiama police are.

We have then got to spend hours chasing up, "Please get this through. Please consent." And then you have got to answer their queries. Council might come back and say, "We want an 11.30 finish." Liquor licensing will contact me and I will say, "We want a 1.30 finish. We will compromise and make it 1.00." But the festival volunteers session. In a folk festival, you session afterwards and you are playing with world-class musos and you are sitting around in areas so there is no sound spill and you occasionally have a beer. They cannot see that. They

say, "No, you should be shut up by 11.30." I have then got to liaise with the police. Luckily for us we have got a very good reputation and the police say, "We understand how well you run it. We have no problems." I think I have had three people refused service in 20 years.

**The Hon. PENNY SHARPE:** How many arrests have you had in 20 years?

**Mr MORRISON:** None. We have had one incident where the police were called. The police were called by the person who was asked to leave because he would not move and believed that he had the right to stay in the festival even though he had not bought a ticket. He was obviously affected by alcohol from somewhere else. The security guard took hold of him and he said, "You've assaulted me." As soon as there is an allegation of assault against a security guard the police must be called. The police were called and both of them grabbed him and took him out. He had gone from one to two. That is the only incident we have had with police interaction. We have four security a night on Saturday and Friday nights. All the security has backup if required. We have only had one police officially come to our festival in 22 years.

**Ms DAWN WALKER:** I thank you so much for persisting and putting on festivals. Is the festival always at the same time of the year?

**Mr CORK:** It is. That is an interesting one if you read our submission. Because we are on a greyhound track it has got problems at night. We have actually got to work between greyhound races, and those races are set by Foxtel. If you want try to put up a festival for 10,000 people and pull it down between greyhound races it can be interesting.

**The Hon. PENNY SHARPE:** There is a television show in this.

**Mr CORK:** You could televise the doggies. The other problem shows up in Kiama and that gets back to why I believe regional New South Wales needs dedicated event and festival sites. In Kiama during the winter it is a football field and during the summer it is cricket field: somehow sporting groups get ownership of these sites. It is very difficult to find a site that is not controlled by them. We have to fit between the football and cricket crossover. We have a situation this year—we are all desperately hoping Kiama will not win—because then we have a problem with our festival site. We obviously have to book a time of the year—and we work within all the other festivals. You cannot have four folk festivals on the east coast on the same weekend. We do not have the audience, we do not have the musicians, we do not have the sound guys. So, yes, the plan is to try to keep it at the same time. We all talk to each other, but it becomes a problem working around football and cricket.

**Ms DAWN WALKER:** Last year you did not get acknowledgement that you had the development application until Christmas?

**Mr CORK:** That was the site licence. What happened there was, because we have got to work around the dogs, as the site planning manager I start bringing gear in on the Monday morning at about 5.30 a.m. or 6.00 a.m. and the council had not got round to giving us the licence. In the end, after much protest, they did but it was 5.30 and they closed at 4.00. That would have meant we probably would have had to cancel the first half day of the festival because our insurance does not cover us. You cannot start taking heavy machinery, huge tents and trucks and generators in without having a licence to occupy the site.

**Ms DAWN WALKER:** Will you have to apply for that same licence next year?

**Mr CORK:** Yes, and therein lies the problem. It is exactly the same documentation, and questions, as it is for a development application. So it is a duplicated process. Actually, downstairs again, they said, "We want this, this and that." I said, "You've already got them". They said, "But we want them again." I said, "Just go on your computer. You just showed them to me last week when you gave me the DA." They said, "Oh no, they are for something else." That is how stupid it is. The plan that is on the back of my submission is one of the many documents, and they already had it in electronic copy on their computer but they insisted they wanted a second round. I do not understand the difference. If nothing has changed, why do we need a DA and a section 68 licence? It is the same process and two bits of paper.

**Ms DAWN WALKER:** And for a festival that is always held at the same time.

**Mr CORK:** At the same time, at the same site, the same size. In fact, last year's one was slightly smaller than the previous ones.

**The Hon. SHAYNE MALLARD:** I echo the views and thank you for your comprehensive submission for an umbrella group of festivals. I was a councillor on the City of Sydney for 12 years so I have some experience with development applications, which included for the Mardi Gras and things like that. I have not heard about these problems before from those organisations over the years. I have dealt with DAs for festivals at Sydney Park

Village and the inner city that have quite complex land ownership issues. I wonder is this an isolated problem local to the councils we are dealing with down here or is it a statewide issue that you have picked up from other festivals?

**Mr CORK:** Kangaroo Valley which is, to a degree, a sister festival has had similar problems. We are aware that Cobargo has had similar problems. There are variations on the theme but basically I think what you find is the moment you get out into regional New South Wales there are complex land ownership issues around government departments on showgrounds. Many of them started off life as a common. That is reflected in the number of lot numbers and all kinds of things.

**The Hon. SHAYNE MALLARD:** Some reforms have been put through Parliament which must have some positive impact on this, so we will have a look at that. I share your concern around the imposition of conditions upon the licence. I have seen that in festivals where they are constricted right down to a tiny spot where you can drink and it is light beer only. It is just incredible. Can you appeal the conditions? Is there a dialogue before they are put on you or is it a fait accompli? Is there an ability to appeal the conditions that the police, Liquor and Gaming and the council put upon you?

**Mr MORRISON:** You can ask for another ruling. You used to be able to take it before the court. I have taken it before the court once. I do not know if you have that provision now. The problem is a lot of these conditions—I know Kangaroo Valley only got its notice shortly before the festival. What do you do? They had another ridiculous condition imposed that all drinks had to be served in the standard drink size for that drink. So if you had a 3.5 beer you were allowed 100 millilitres of beer. They had to go out and source 100 millilitres cups. Sorry, I have got that wrong. Wine was 100 millilitres and beer was 180 millilitres and it had to be the exact size. I do not know where these conditions came from.

**The Hon. SHAYNE MALLARD:** There was no history of violence, no history of alcohol abuse.

**Mr MORRISON:** No, none whatsoever.

**The Hon. SHAYNE MALLARD:** I thought you implied earlier when you gave evidence that you had to submit a DA annually. I know in the city it is three or five years for those big events. I am glad you said you do that, because it would drive you nuts to do one every year.

**Mr MORRISON:** We have still got to do the occupancy certificate.

**The Hon. SHAYNE MALLARD:** You have still got to do an annual liquor licence application.

**Mr MORRISON:** But the certificate also.

**Mr CORK:** We have still got to do an annual section 68C certificate.

**The Hon. SHAYNE MALLARD:** What is that?

**Mr CORK:** That is effectively an occupancy certificate.

**Mr MORRISON:** That is a development application.

**Mr CORK:** Effectively it is a development application with another name.

**The Hon. SHAYNE MALLARD:** For an event like yours it would be helpful to have a three-year liquor licence, subject to performance standards each year. I can clearly foresee a problem if they come and inspect and find you are breaking the responsible service of alcohol rules.

**Mr MORRISON:** They are welcome to come and inspect. We have no problems with inspections.

**The Hon. CATHERINE CUSACK:** Earlier you referred to your idea that we should have dedicated festival sites around the State. Would you like to talk a bit more about that? It sounds like a really interesting idea.

**Mr CORK:** Okay. What happened is this: When Roads and Maritime Services started buying up the land in the showground and the brick pit site was being developed, we realised that we probably had a very short life on the Bulli Festival site, so we started looking. One of the big problems in an area like this, as you will notice, is that the escarpment is pretty close to the coast. There is not much spare land. What we discovered is virtually any spare land that would be suitable running down to Kiama is flood affected, which is why it has not been built on, or it is pollution affected. There is a lot of industrial stuff that has to be remediated.

We narrowed it down to six sites that included both the Wollongong TAFE and the Wollongong university. In the end, both of them knocked us back for various reasons. We looked at the racecourse at Kembla Grange and the conditions they put on us were too restrictive to even make a break-even. It was also flood prone.

We came to the conclusion that at that stage, of all the sites, the Dapto Showground was possible but it is very badly noise affected. It is totally surrounded, close in, by houses. The only possible permanent site in the Illawarra is actually the blue metal quarry that is currently in Kiama. It is just closing up. That still remains a site. But given all these problems—and the council referred to it earlier where they had these parks that effectively have an overall DA and you just occupy it under that DA. In other words, it is very similar to a complying development in a housing sense. We could work with that.

It seems to me the only way forward for festivals like ours and for events all around the Illawarra, if we do not have a permanent site, is that, as Sydney spreads down here, we will not have a festival. We will have no area at all. With the combination of noise restrictions, site restrictions and everything else, that will just kill us. Yet, interestingly enough, up until six years ago I was a Sydney resident. I have been working with the Folk Club for about 15 years and I was a member beyond that because there was nothing in Sydney that was equivalent. That is why we came down here and ended up finding our social life was down here. We migrated down here a few years ago. But the point is that the reason there is nothing in Sydney like this—an enclosed festival inside in tents—is that there are no suitable sites. Down here we have been running a very successful festival, but I would say within the next few years we will lose our site and that will be the end of this festival. That is why I believe we should have a dedicated site, or make provision for a dedicated site.

These things are expensive, but surely reserving them and saying, "This will be a site in 10 years", is better than putting something all over them. These kinds of events, which are great community events and also great tourism events, will just die. If we do not do that, they will die. It is as simple as that.

**The Hon. SHAYNE MALLARD:** You could not afford the venues in Sydney, like Centennial Park or the Domain? They are way out of your league?

**Mr CORK:** No.

**Mr MORRISON:** No.

**The Hon. CATHERINE CUSACK:** But it is a great use for showgrounds.

**Mr MORRISON:** It is the requirements in regard to security and all that up there that just destroys it.

**The Hon. CATHERINE CUSACK:** I went to a festival down at Mulwala and the council is trustee for the showground. It is camping all year round, but the campers all have to clear out when they have the show. But it brings in an amount of money. Then they will have events or they will have a football final and they will book that. But you are saying that a sporting group might have football training or something like that—it is probably a full-on game. But that is it, you cannot book the venue.

**Mr CORK:** They certainly have ownership. We had a very interesting one a couple of years ago when there was an argument about whether a football club had the grounds or our campers. We got it and some very irate footy parents turned up and started abusing us. I took them aside and said, "Why don't you complain to the council?" They said, "We will." I said, "Well, the deputy mayor is there. He's the one who told you to go away."

**The Hon. CATHERINE CUSACK:** But it is inflexible for a once-a-year event that meant so much to the community.

**Mr CORK:** It is.

**The CHAIR:** We have to conclude the hearing. We are running a little bit late. Thank you for attending, and we appreciate your evidence. In the light of your evidence, we might have some further questions we will notify you about. You will have 21 days in which to respond to them. The secretariat will look after you with that. We appreciate your evidence today. Hopefully, maybe outside this inquiry, we can work with you to ensure that we have a venue so you will have some longevity because what you do is very valuable for the communities for which you do it. We appreciate that greatly. I constantly hear Nick Rheinberger raving about the folk festival, so we had better get it right.

**Mr CORK:** Thank you for hearing us.

**(The witnesses withdrew)**

**(The Committee adjourned at 6.04 p.m.)**