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Committee Secretariat  
Standing Committee on Communications and the Arts  
Parliament House  
PO Box 6021  
CANBERRA ACT 2600

Dear Secretariat,

### **Inquiry into the Australian Music Industry**

Thank you for the opportunity to provide comment to the inquiry into the Australian music industry. Local Government NSW (LGNSW) is the peak body for local government in the state, representing NSW councils and related entities. Please note that this is a draft submission awaiting review by LGNSW's Board. Any amendments will be forwarded in due course.

This submission largely aligns with recent advocacy by LGNSW to the ongoing *Inquiry into the Music and Arts Economy in New South Wales*. The submissions and transcripts of that inquiry may be relevant to the Committee on Communications and the Arts (the Committee) Music Industry Inquiry.

LGNSW understands the Committee is inquiring into factors contributing to the growth and sustainability of the Australian Music Industry – 'connecting Australian musicians and music with audiences and markets.'

Councils play an important role in the sustainability of the Australian music industry by providing venue spaces, programming content and events, and providing grants to artists. Local government is also responsible for relevant planning and regulatory functions. Councils are the key facilitators (i.e. providers and approvers) of permanent and temporary venue spaces and they regulate noise abatement and environmental impact in their consideration of development applications from events, cafes, restaurants and live music venues.

The music industry services all aspects of the arts. Music plays an integral role in all performing arts, the film and television industry, through to background music played in art galleries and book stores, as well as supporting the night time economy and the visitor economy.

### **Priority areas for policy change**

Five key issues for councils in NSW when supporting the music industry are:

1. Strategic planning
2. Funding for existing venues
3. Red-tape reduction
4. Harmonisation of mixed-use developments
5. Funding of artist development

## 1. Strategic Planning

There is a need for an overarching national policy strategy and action plan which identifies ways to support the music and arts economy not only in significant institutions and metropolitan Sydney, but at the grass roots level across the nation. Adequate funding needs to be tied to the strategy.

A music and arts economy plan must be based on intensive, early consultation with local government to identify and overcome the barriers to activating a vibrant and diverse music and arts culture. Development of the plan must recognise the role of councils.

Some councils have already acted to address the strategic policy gap by preparing live music policies, strategies and action plans including: Sydney, Wollongong and Inner West Councils.

Most recently, Newcastle City Council resolved, in February 2018, to establish a live music industry advisory reference group. When speaking to the motion, Lord Mayor Nuatali Nelmes confirmed that a collaborative effort from all three spheres of government was needed to effect change. The live music advisory group aims to work with all governments to develop industry-related policies and advise on the growth of the live music industry. Newcastle City Council has also committed to drafting a live music strategy and to embed a commitment to live music in the next *Community Strategic Plan*, and in its draft *Newcastle After Dark Night-time Economy Strategy*. Council is working to make Council-owned venues like the Civic Playhouse and City Hall Banquet Room available to live music providers on an in-kind basis.

Not all councils in NSW have the capacity to develop such strategies, given that preparing them requires resources to navigate several legislative and regulatory areas. There is a need for resources and professional development opportunities across all three spheres of government to build expertise in the area of supporting music and cultural activities through planning practice. To explore this issue, LGNSW, with the councils on the NSW Night Time Economy Council's Committee, is hosting a November 2018 masterclass for council staff on the topic of supporting the Night Time Economy through planning.

**Recommendation:** That the Australian Government develops a national policy strategy and action plan for the development of the music industry. That this strategy and action plan consults with, and provides direction to, all three spheres of government and is tied to industry funding, resources and support building.

## 2. Funding for existing venues: infrastructure

Councils report there is a lack of spaces for studio, rehearsal and creative industries workplaces, which are affordable. In some cities there are heritage-listed venues that could be suitable for the arts, but there is a deficiency of major funding to repurpose these buildings for performance and exhibitions. Additionally, smaller grants, with streamlined grant application processes, are needed to fund simple upgrades and fit outs of premises to meet access and fire safety requirements.

Much of the existing building stock in council portfolios tends to be older civic or industrial buildings which do not meet the standards of the National Construction Code for operation as music or entertainment venues. Federal leadership in the development and implementation of adaptive reuse guidelines for states and territories can assist councils in leveraging community

owned property (such as halls and depots) to meet the shortfall in rehearsal and performance spaces in metropolitan areas.

Importantly, infrastructure funding needs to be balanced with funding for content, programming and the full reimbursement of artist costs.

**Recommendation:** That the Australian Government develops adaptive re-use guidelines and provides grants to repurpose existing venues for music use.

### 3. Red-tape reduction

There is an opportunity for the Commonwealth to work with state and territory jurisdictions to encourage the removal of burdensome planning regulations required for music and arts activities. Often the approval processes can be challenging and discouraging for such activities. Councils may also be constrained by state planning provisions and definitions. LGNSW recognises, however, that a uniform approach to regulation may not be appropriate given the various factors that shape the music culture in each city and region.

Councils are working to reduce local government red-tape where possible. One such example is Liverpool City Council which released new *Public Event Standards 2017/18*. These standards clearly state requirements for hosting events, including music events, on public or council managed land and Council has embedded a simple public land event application process online. The outcome of this approach is the creation of one central location for event organisers to liaise with Council and approval of events has been reduced to two to five days.

**Recommendation:** That the Australian Government works with state and territory jurisdictions to reduce and streamline planning regulations required for music and arts activities.

### 4. Harmonisation of mixed-use developments

The issue of noise from music ventures is an ongoing issue for councils and it exists within a complex regulatory framework. Councils are often the first point of call when there are noise complaints from neighbours about music.

The current system of noise management is weighted towards residential development. The burden is put on the venues, the generator of the noise. The Agent of Change Principle is one method to manage noise generation, which places the onus on the applicant proposing a new use or development to mitigate any external effects.

Planning instruments can also be used to manage noise generation such as the creation of Cultural Precincts (for example Fortitude Valley in Brisbane is Australia's first dedicated entertainment district). Research confirms the precinct outperforms the surrounding areas in terms of economic growth). As stated in point 1 above, knowledge building and support for planners in the area of noise management could assist in supporting music ventures in Australia.

As the population increases and state development targets are set, increasing numbers of residential units are being situated in mixed-use zones. Building controls need to adequately enforce noise protection measures for residential units in these zones.

The Victorian Government has established a \$22.2 million four-year *Music Works* program which takes an integrated approach to working with the music and arts economy, supporting creatives, distributing funding and addressing technical and regulatory reform. One part of the program is the Good Music Neighbours Grant for venues to receive funding to install sound attenuation.

**Recommendation:** That the Australian Government reviews Australian building controls to ensure they adequately enforce noise protection.

**Recommendation:** That the Australian Government provides funding for industry training and capacity building in noise management methods and provides funding for music venues to install sound attenuation.

#### 5. Funding of artist development

Councils have noted an increase in demand for cultural grants following the industry wide effects of cuts to the federal arts budget and Australia Council for the Arts in 2015 and 2017. Smaller companies and individual artists and collectives have been affected by the downturn in funding available to develop and produce new work.

These funding cuts have not only affected the supply chain of the creative industries but also prompted a greater reliance on local government funding for small projects and individual artistic development. Artform development has traditionally not been the role of councils, which tend to focus their funding priorities towards festivals and events, collaborations between the arts and local communities or businesses, and key local companies who drive local employment in the creative sector.

Councils report that the Australia Council funding cuts have impacted the arts and music economy, had flow-on effect to state government arts bodies, and there has been a subsequent loss of opportunities for individual artists for professional development and to self-mobilise local projects which has required councils to respond (which diverts funds from other community priorities).

**Recommendation:** That the Australian Government reviews the implications of cuts to the Australia Council for the Arts and provides new funding for artist development and content development.

#### **NSW Context**

Lastly it is recommended that the Committee look to positive initiatives which are currently occurring in NSW to support the music industry and which could be applied nationally. These include:

##### NSW Initiatives

###### a. Live and Local

Many councils in NSW are willingly involved in the successful Live and Local program where the NSW Office of Live Music has partnered directly with councils in regional NSW and Western Sydney to offer funding for the development of bespoke local live music events. This

is one example of a project that provides government the opportunity to build relationships with the music industry particularly at a small and medium scale.

b. Reforms to encourage sustainable night time economies

There is ongoing work in NSW to create sustainable night time economies, of which live music is a large part. Councils have come together through the NSW Night Time Economy Councils' Committee (NTECC), which LGNSW chairs, to support councils to collaborate and build knowledge in the development of night time economies and also advocates to state and federal governments on these issues. The NSW Government has also established an interdepartmental NSW Night Time Economy Taskforce.

c. Contemporary Music Strategy Consultations

Several councils in NSW have provided feedback to the NSW Government during the drafting of the state-wide Contemporary Music Strategy. The Committee is encouraged to refer to this Strategy on its release later in 2018.

## **Recommendations**

This submission has made recommendations for the Australian Government which are summarised below. That the Australian Government:

1. develops a national policy strategy and action plan for the development of the music industry. That this strategy and action plan consults with, and provides direction to, all three spheres of government and is tied to industry funding, resources and support building
2. develops adaptive re-use guidelines and provides grants to repurpose existing venues for music use
3. works with state and territory jurisdictions to reduce and streamline planning regulations required for music and arts activities
4. reviews Australian building controls to ensure they adequately enforce noise protection
5. provides funding for industry training and capacity building in noise management methods and provides funding for music venues to install sound attenuation
6. reviews the implications of cuts to the Australia Council for the Arts and provides new funding for artist development and content development.

LGNSW appreciates the opportunity to comment on the Inquiry into the Australian Music Industry. If you would like to discuss these issues further, please contact Elizabeth Robertson, Policy Officer

Yours sincerely

Kylie Yates  
**Acting Chief Executive**