

Freedom of Information Request Schedule – Live Music IDC

Please be aware that under the ACT Government's Online FOI Publication Policy, information released to you under this Freedom of Information Application may be released on the internet.

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A copy of the policy, with details about what information may be published on the internet, is available online at: [http://www.cmd.act.gov.au/open_government.]

File 09/15607

Ref No.	Number of Folios	Description	Date	Status	Reason for Exemption	Online release status
1-2	2	CMD Brief to Chief Executive from Ag Director artsACT	1/4/09	Release		Yes
3-6	4	Emails from Anne Robinson Plus CMD letter to Chief Executives of all ACT Government Departments	21/5/09	Release		Yes
7-8	2	Email from Nicola Derigo – Invitation for Submission – Inquiry into Live Community Events	14/7/09	Release		Yes
9	1	Terms of Reference for the Inquiry into Live Community Events	25/2/09	Release		Yes
10	1	Email From Geneva Donne re IDC Music – first meeting	27/7/09	Release		Yes
11	1	Agenda Item 1 Welcome and Introductions with annotations	6/8/09	Release		Yes

Ref No.	Number of Folios	Description	Date	Status	Reason for Exemption	Online release status
12-17	11	Draft In-confidence document Supporting Australia's Live Music Industry: Suggested Principles for Best Practice 2009		Release		Yes
18-23	6	Overview Liquor Law Reform	March 2008	Release		Yes
24	1	Terms of Reference for the Inquiry into Live Community Events	25/2/09	Copy folio 9		
25-27	3	Issues Paper Interdepartmental Committee on the Reduction of Barriers to the production of Live Music in the ACT Prepared 6/8/09	6/8/09	Release		Yes
28	2	Interdepartmental Committee on the Reduction of Barriers to the production of Live Music in the ACT Terms of Reference Role of the reduction of barriers to the production of live music in the ACT interdepartmental committee Agenda Item 3 – Key Questions	12/8/09	Release		Yes
29		Interdepartmental Committee on the Reduction of Barriers to the production of Live Music in the ACT Terms of Reference Role of the reduction of barriers to the production of live music in the ACT interdepartmental committee		Copy folio 28		

Ref No.	Number of Folios	Description	Date	Status	Reason for Exemption	Online release status
30	2	Agenda Item 1 – Welcome and Introduction Meeting 18/8/09 draft agenda	12/8/09	Release		Yes
31	1	Email from Geneva Donne	11/8/09	Release		Yes
32-34	5	Email from Nigel Featherstone Email from Anne Robinson Email from Phil Tripp with attachment Embargoed Press Release	21/8/09 18/8/09 18/8/09	Release Release Release		Yes Yes Yes
35	1	Emails between Nicola Derigo and Anne Robinson re Interdepartmental committee on live music	27/8/09	Release		Yes
36-38	3	Ministerial cover sheet and Unsigned letter to Ms Mary Porter from Jon Stanhope		Outside scope Release		Yes
39	2	Terms of Reference Letter to John Stanhope from Mary Porter MLA	25/2/09 23/7/09	Copy folio 9 Release		Yes
40-42	3	Issues Paper Interdepartmental committee on the reduction of barriers to the production of live music in the ACT Prepared 2/9/09	2/9/09	Release		Yes

Ref No.	Number of Folios	Description	Date	Status	Reason for Exemption	Online release status
43-45	3	Action Sheet, Ministerial cover sheet	11/9/09	Outside scope		Yes
		and letter to Mary Porter MLA		Release		
46	1	artsACT Action sheet	6/8/09	Release		Yes
47-52	12	Outdoor Concert Noise Environment Protection Policy	Feb 2001	Release		Yes
53-78	49	Guide to Organising Public Events in the ACT	Dec 2008	Release		Yes
79-80	2	ACT Emergency Services Agency Event Planning website content	21/9/09	Release		Yes
81	1	Letter from Mary Porter MLA to Jon Stanhope MLA	23/9/09	Release		Yes
82-86	5	NSW Government Bringing back the Music		Release		Yes
87-92	6	Draft meeting notes	18/8/09	Release		Yes
		Interdepartmental committee reduction of barriers to the production of live music in ACT				
93-94	1	Emails from Anne Robinson Meeting notes IDC 18/8/09 (folios 87-92)	21/10/09 29/10/09	Release		Yes

Ref No.	Number of Folios	Description	Date	Status	Reason for Exemption	Online release status
95-96	2	Emails between Nigel Featherstone and Catherine Eagles Agenda for the Live Music IDC meeting	6/11/09 18/11/09	Release		Yes
97-101	9	Additional information for the Live music IDC Emails between Anne Robinson and Trish Wilks re Liquor ACT Review Summary of Proposed Major Government Reforms	12/11/09			
102-104	2	Email from Nigel Featherstone Email from Anne Robinson Email from Derise Cubin	6/11/09 12/11/09 17/11/09	Release Release		Yes
105-113	9	Table of community facilities		Release		Yes
114	1	Use of Government Buildings		Release		Yes
115	2	Section One Important regulatory elements to foster live music		Release		Yes
116-118	3	Meeting agenda 24/11/09 Agenda items 1 and 3	19/11/09	Release		Yes
119	1	Email from Nigel Featherstone re 2 nd meeting IDC Agenda	6/11/09	Release		Yes
120-122	6	Meeting Notes Interdepartmental Committee	18/8/09	Release		Yes

Ref No.	Number of Folios	Description	Date	Status	Reason for Exemption	Online release status
123-125	3	Two Emails from Anne Robinson with attachments Agenda Item 1 Meeting agenda 2/3/10	11/2/10 16/2/10	Release		Yes
126-128	3	Emails between Anne Robinson Derise Cubin Mark Batye Live music IDC -- next meeting	11/2/10 12/2/10 17/2/10	Release		Yes
129	1	Newspaper extract		Release		Yes
130	1	Email from Joy Newton	25/2/10	Release		Yes
131	2	Emails between Anne Robinson and Thomas Bishop	11/2/10 16/2/10 25/2/10 26/2/10	Release		Yes
132	2	Draft Agenda	29/3/10	Release		Yes
133	1	Advice to Arts Organisations and Artists regarding public liability insurance and professional indemnity insurance		Release		Yes
134-141	8	Draft agenda meeting 2/3/10 Agenda Item 1 Meeting notes 24/11/09	2/3/10	Release		Yes

Ref No.	Number of Folios	Description	Date	Status	Reason for Exemption	Online release status
142-144	3	Ministerial cover sheet		Outside scope		
		Letter to Mary Porter MLA from Jon Stanhop	5/3/10	Release		Yes
		Letter to Jon Stanhope from Mary Porter	19/2/10	Release		Yes
145-161	33	Standing Committee on Planning, Public Works and Territory and Municipal Services Inquiry into Live Community Events Interim Report	Dec 09	Release		Yes
162-163	2	Letter to Mary Porter MLA from Jon Stanhope	18/3/10	Release		Yes
164-165	2	Brief to Minister for Arts re Inquiry into Live Community Events – Interim Report	11/3/10	Release		Yes
166	1	Email from Anne Robinson re Live Music in the ACT	17/3/10	Release		Yes
167-173	10	ACT Live Music Industry Forum Agenda Attendance List Information for attendees	29/3/10	Partial release	Contact details of attendees are deleted under Section 41 Personal Information	Yes partial release Section 41
174-177	4	Document summarising key issues/ideas raised at a Live Music Industry Forum	29/3/10	Release		Yes
178	2	Invoice and payment cover sheet	6/4/10	Release		Yes
179	1	Newspapers extract from City News	22/4/10	Release		Yes
180	1	Extract from Internet		Release		Yes

Ref No.	Number of Folios	Description	Date	Status	Reason for Exemption	Online release status
181	1	Fly Wire		Release		Yes
182-187	12	Environment Protection Policy Outdoor Concert Noise	February 2001	Release		Yes
188-204	33	Noise Environment Protection Policy	January 2010	Release		Yes
205-207	6	Table Regulation of Amplified Music Noise in Canberra, Brisbane, Melbourne and Sydney		Release		Yes
208	2	Document Environment Protection Authority update to the Live Music IDC		Release		Yes
209	1	Letter to David Dawes, Department of Land and Property Services	2/5/10	Release		Yes
210	1	Emails between Anne Robinson and Kel Pearce re Live Music IDC	14 and 17/5/10	Release		Yes
211-213	5	Draft Meeting Notes 2/3/10	2/3/10	Release		Yes
214-215	18/5/10	Agenda and Agenda Item 1 meeting 18/5/10	18/5/10	Release		Yes
216	1	Email from Anne Robinson – Live Music Industry Forum 2	17/5/10	Release		Yes
217-220	5	Meeting Notes 2/3/10 Agenda Item 1 for meeting 18/5/10		Release		Yes

Ref No.	Number of Folios	Description	Date	Status	Reason for Exemption	Online release status
221	1	Email from Anne Robinson	5/5/10	Release		Yes
222	1	Email from Anne Robinson	17/5/10	Release		Yes
223	1	Record of conversation	23/5/10	Release		Yes
224-228	5	Written notes		Release		Yes
229		List of names and some contact details		Partial Release		Contact details deleted Section 41 Personal Information
230	24/5/10	Agenda ACT Live Music Industry Forum		Release		Yes
231-232		Newspaper extracts		Release		Yes
233	31/5/10	Email from Anne Robinson	31/5/10	Release		Yes
234-235		Points for Minister's Office Live Music in the ACT		Release		Yes
236	2	Invoice and cover sheet	26/5/10	Release		Yes
237	1	Newspaper extract	22/6/10	Release		Yes
238-245	14	Canberra Musicians Club Submission to the Inquiry into Live Music in the ACT Suggested Actions	June 10	Release		Yes
246-247	2	Letter to Jon Stanhope from Simon Corbell	13/7/10	Release		Yes

Ref No.	Number of Folios	Description	Date	Status	Reason for Exemption	Online release status
248-250	4	Email from David Whitney Preliminary draft recommendations for IDC Comment		Release		Yes
251	2	Emails between David Whitney and Kelvin Walsh	30/7/10	Release		Yes
252-255	6	Email from Robert Neil and comments on draft document	23/7/10	Release		Yes
256-259	7	Email from Derise Cubin and comments on draft document	6/8/10	Release		Yes
260	1	Email from Penny Boyer Education Guide	5/8/10	Release		Yes
261	2	Response to David Whitney's email from Trish Wilks, Joy Newton, and Donne Geneva	5/8/10	Release		Yes
262	2	Responses to David Whitney's email from Daniel Walters	10 and 16/8/10	Release		Yes
263	1	Email from Kathy Strehar TAMS feedback	16/8/10	Release		Yes
264	1	Email from Penny Boyer	17/8/10	Release		Yes
265-266	2	Copy folios 249-250 Preliminary draft recommendations for IDC Comment		Copy		
267-269	5	Meeting notes 18/5/10		Release		Yes
270	1	Agenda Item 1		Release		Yes
271	1	Draft Agenda 17/8/10		Release		Yes

Ref No.	Number of Folios	Description	Date	Status	Reason for Exemption	Online release status
272-286	30	Commercial Zones Policy Draft for agency comment	Sept 10	Release		Yes
287	1	Letter to Chief Executive, CMD from Chief Planning Executive	30/8/10	Release		Yes
288-291	3	Email from Anne Robinson Draft recommendations for IDC Comment	10/9/10	Release		Yes
292-293	3	Draft recommendations for IDC Comment		Release		Yes
294	1	Email from David Whitney	1/9/10	Release		Yes
295	2	Emails between Anne Robinson and Robert Neil Draft recommendations for IDC	29/9/10	Release		Yes
296	2	Response email from Penny Boyer to Anne Robinson	22/9/10	Release		Yes
297-299	5	Email response from Derise Cubin and comments on draft recommendations for IDC	20/9/10	Release		Yes
300	2	Email from Anne Robinson Music IDC and Music Inquiry Coordination Plan	23/9/10	Release		Yes
301	2	Email response from Geoff Virtue to Anne Robinson Live Music IDC	29/9/10	Release		Yes
302	2	Email response from Tony Blattman and Kate Garvey to Anne Robinson	12/10/10	Release		Yes

Ref No.	Number of Folios	Description	Date	Status	Reason for Exemption	Online release status
303-304	3	Meeting Notes 17/8/10 Reduction of barriers to the production of live music in the ACT Draft Agenda 19/10/10		Release		Yes
		Agenda Item 1				
306	1	Email from Christopher Beer Live Music IDC Draft Recommendations	20/10/10	Release		Yes
307-308	3	Email and comments from OCYFS on Live Music IDC Draft recommendations	25/10/10	Release		Yes

Robinson, AnneK

306

From: Reid, Michael
Sent: Monday, 25 October 2010 12:51 PM
To: Robinson, AnneK
Cc: Unger, Michael; Cormack, Rachael
Subject: FW: Live Music IDC Draft Recommendations
Attachments: Final Table.docx

Hi Anne,
Please find attached comments from DHCS.

Regards

Michael Reid

Director
Youth Directorate
Office for Children, Youth and Family Support
Department of Disability, Housing and Community Services
Ph: 6207 0913
Fax: 6205 3386

IMPORTANT NOTICE

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From: Cormack, Rachael
Sent: Monday, 25 October 2010 9:23 AM
To: Reid, Michael
Subject: FW: Live Music IDC Draft Recommendations

Michael,

I received a call from Michael – he is currently acting up and there were instructions on the response to consult with you. I have reviewed the comments they are primarily from us anyway.

Let me know if you need me to do anything.

Rachael Cormack

A/g Senior Policy Officer
Youth Engagement and Policy
Office for Children, Youth and Family Support
(02) 620 71021

From: Unger, Michael
Sent: Monday, 25 October 2010 9:19 AM
To: Cormack, Rachael
Subject: Live Music IDC Draft Recommendations

Hi Rachael,

I received the attached comments on the above named coordinated response.

As discussed I have a note asking for the response to be provided to Michael Reid.

Regards,

Michael Unger 50404
Organisational Governance
DHCS

Robinson, AnneK

306

From: Beer, Christopher
Sent: Wednesday, 20 October 2010 1:57 PM
To: Robinson, AnneK
Subject: Live Music IDC Draft Recommendations

Anne,

As I mentioned yesterday at the IDC meeting, I would like to propose the alternative wording for recommendation 2a within the IDC's set of draft recommendations:

'The ACT Government will through the Planning and Development Act, Territory Plan, and Building Act, ensure that appropriate noise attenuation measures are included in the construction of new buildings, and when changes to the form or use of existing buildings take place, where a relevant development application is submitted'.

Chris

Recommendations

Area for Comment

Recommendation 1: The ACT Government acknowledges the cultural, economic and social importance of live music to the ACT community, particularly young people (Page 1)

Comment

The ACT Government acknowledges the importance of live music through the implementation of the ACT Young People's Plan 2009-2014. The aims of the ACT Young People's Plan are directed at ensuring collaboration and coordination between policies and services developed by Government and Non Government agencies.

The ACT Young People's Plan is a statement of commitment by the ACT Government to work in partnership with young people and key stakeholders to improve outcomes for young people in the ACT.

Five key priorities are highlighted in the ACT Young People's Plan:

1. Health, Wellbeing and Support,
2. Families and Communities,
3. Participation and Access,
4. Transitions and Pathways, and
5. Environment and sustainability

The broad aspect of this recommendation, cultural, economic and social importance of live music, are incorporated in the ACT Young People's Plan.

The following key actions are included in the ACT Young People's Plan that highlight the importance of live music to ACT young people.

- (Key Action 1) Construction of Eddison Park Youth Plaza to provide young people with a dedicated place in the Woden Valley to exercise and socialise whilst improving the quality of life in the local community;
- (Key Action 16) Develop, support and promote projects, programs and partnerships to ensure inclusive community, sporting, arts and recreation activities;
- (Key Action 53) Using a multi-agency approach the Youth Liaison Officers will strive to identify and target disengaged youth at risk and provide young people support networks for long-term results, encouraging understanding and diversity, nurture youth arts and culture, foster creativity and encourage youth;
- (Key Action 64) Continue the Celebrate in the Park event;
- (Key Action 75) Gungahlin Town Centre Planning Study to identify locations for future community and recreation facilities for young people, as well as further accessible public spaces;
- (Key Action 109) ACTPLA and other relevant agencies to work together to ensure live music performance venues and new residential developments will successfully co-exist in town and group centres, and
- (Key Action 112) Continue to ensure young people are able to apply for funding through the ACT Arts Fund, which provides support for all artists across all art forms.

**REDUCTION OF BARRIERS TO THE PRODUCTION OF LIVE MUSIC IN THE ACT
INTERDEPARTMENTAL COMMITTEE**

MEETING

**Tuesday 19 October 2010
3.00 – 4.30pm
Level 5, Conference Room
Canberra Nara Centre**

DRAFT AGENDA

Activity	Lead Agency
1. Welcome & Apologies	Chair
2. Update on actions	All
3. Discussion of the consolidated government response to the Legislative Assembly Inquiry into Community Events.	CMD/all
4. Discussion of draft recommendation paper and planning of position paper.	All
5. Next steps: 16 November - position paper presented at IDC out of session for discussion 7 December - comments to artsACT February - Cabinet submission prepared for circulation.	CMD
6. Next Meeting	Chair

Agenda Item 1 – Welcome and Introductions

Purpose

To note members present, apologies and to confirm the agenda for the meeting of 19 October 2010.

Attendees

Members invited:

Ms David Whitney, artsACT, Chief Minister's Department (Chair)
Mr Rish Leftreys, Department of Disability, Housing and Community Services
Mr Robert Neil, Department of the Environment, Climate Change and Water
Mr Kelvin Walsh, ACT Planning and Land Authority
Ms Derise Cubin, Department of Justice and Community Safety
Mr Rob Thorman, Land Development Agency
Ms Penny Boyer, Canberra Institute of Technology
Ms Trish Wilks, Department of Education and Training
Mr Kel Pearce, Department of Land and Property Services

IDC secretariat:

Robert Piani, A/g Manager Arts Development, artsACT, Chief Minister's Department
Anne Robinson, Arts Development Officer, artsACT, Chief Minister's Department
Annek.robinson@act.gov.au

Apologies

Mr Nigel Featherstone, Manager Arts Development, artsACT, Chief Minister's Department
Ms Catherine Gottlieb, ACT Health
Mr Tony Blattman, ACT Health
Mr Geoff Virtue, Department of Territory and Municipal Services
Mr Stuart Friend, Department of Treasury

Recommendation

That the IDC:

1. Note the members present.
2. Accept the apologies.
3. Agree the draft Agenda.

Item	Discussion	Action	Status
1	<p>REDUCTION OF BARRIERS TO THE PRODUCTION OF LIVE MUSIC IN THE ACT</p> <p>INTERDEPARTMENTAL COMMITTEE</p> <p>3.00 – 4.30pm, Tuesday 17 August 2010</p> <p>Level 5, Conference Room, Canberra Nara Centre</p> <p>Welcome & Apologies</p> <p>The Chair opened the meeting at 3.00pm.</p> <p>Members present:</p> <p>Ms Sam Tyler, artsACT, Chief Minister's Department (Chair)</p> <p>Mr Rish Lefreys, Department of Disability, Housing and Community Services</p> <p>Mr Kelvin Walsh, ACT Planning and Land Authority</p> <p>Mr Chris Beer, ACT Planning and Land Authority</p> <p>Mr Jon Quiggin, Department of Justice and Community Safety</p> <p>Mr Rob Thorman, Land Development Agency</p> <p>Ms Kathy Strehar, Department of Territory and Municipal Services</p> <p>Ms Catherine Gottlieb, ACT Health</p> <p>Mr Kel Pearce, Department of Land and Property Services</p> <p>IDC secretariat:</p> <p>Nigel Featherstone, artsACT</p> <p>Anne Robinson, artsACT,</p> <p>Apologies</p> <p>Mr David Whitney, artsACT, Chief Minister's Department</p> <p>Mr Robert Neil, Department of the Environment, Climate Change and Water</p> <p>Mr Daniel Walters Department of the Environment, Climate Change and Water</p> <p>Ms Derise Cubin, Department of Justice and Community Safety</p> <p>Ms Trish Wilks, Department of Education and Training</p> <p>Ms Penny Boyer, Canberra Institute of Technology</p>		Agenda confirmed

	<p>Mr Stuart Friend, Department of Treasury Mr Kel Pearce, Land and Property Services</p>		
2	<p>Update on actions (not included elsewhere on the agenda)</p> <p>Mr Walsh noted that the ACT Planning and Land Authority was finalising the discussion paper on the review of development codes for Canberra's commercial centres and that the paper would be circulated shortly.</p> <p>Ms Robinson noted that the Inquiry into Live Community Events was continuing and that further hearings had been held. The Inquiry is expected to conclude later this year.</p> <p>Ms Robinson advised that the second Live Music Industry Forum had been held and some very useful suggestions had been generated. This information informed the preliminary draft recommendations paper. Some of the people attending the Forums have agreed to continue meeting informally to consider ways in which they can support live music in the ACT.</p>	<p>ACTPLA to include the IDC on the circulation list for the review.</p>	<p>ACTPLA</p>
3	<p>Discussion of preliminary draft recommendations</p> <p>The Chair thanked agencies for their comments on the preliminary draft recommendations and noted that there would be further opportunities for the recommendations to be refined and consultation with agencies to occur.</p> <p>The meeting discussed the comments made by each agency. It was noted that DECCW was not represented at the meeting but extensive comments had been provided and the meeting took these into account during discussions. The meeting also noted the comments provided by the Department of Education and Training and the CIT.</p>	<p>artsACT agreed to discuss specific noise limits with DECCW staff.</p>	<p>artsACT</p>

	artsACT undertook to review the recommendations with regard to the comments made by agencies and provide a revised draft to IDC members for further consultation with their respective agencies.		artsACT
4	<p>Next steps</p> <p>10 September - artsACT to prepare revised recommendations and forward to members</p> <p>22 October - IDC members to consult with their agencies and provide final comments to artsACT</p> <p>16 November - position paper presented at IDC meeting for discussion</p> <p>30 November - final draft position paper circulated to IDC</p> <p>14 December - comments to artsACT</p> <p>Early 2011 - Cabinet submission prepared for circulation.</p>		<p>artsACT</p> <p>all agencies</p> <p>artsACT</p> <p>artsACT</p> <p>all agencies</p> <p>artsACT</p>
5	<p>Next Meeting</p> <p>3.00 – 4.30 pm Tuesday 16 November 2010</p> <p>Venue to be confirmed</p>		

Robinson, AnneK

302

From: Blattman, Tony
Sent: Tuesday, 12 October 2010 8:37 AM
To: Garvey, Kate; Robinson, AnneK
Subject: RE: Live Music IDC

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Anne,

I'll now be the ACT Health rep as Catherine is on leave. Please add me to your distribution list. I'll be in Sydney at a conference next week, so my apologies for the meeting on Tuesday.

regards, Tony

by Blattman
Senior Policy Officer
Population Health Executive Office
ACT Health
Ph: (02) 6205 3345 E: tony.blattman@act.gov.au

From: Garvey, Kate
Sent: Tuesday, 12 October 2010 6:38 AM
To: Blattman, Tony
Subject: FW: Live Music IDC

From: Robinson, AnneK
Sent: Mon 11/10/2010 3:00 PM
To: Garvey, Kate
Subject: FW: Live Music IDC

Hi Kate

I understand that in Catherine Gottlieb's absence I should forward this to you. Please contact me if you have any queries about the IDC.

Anne

From: Robinson, AnneK
Sent: Monday, 11 October 2010 2:58 PM
To: Thorman, Rob; Lefterys, Rish; Gottlieb, Catherine; Boyer, Penny; Wilks, Trish; Neil, Robert; Cubin, Derise; Friend, Stuart; Whitney, David; Pearce, Kel; Walsh, Kelvin; Walters, Daniel; Virtue, Geoff
Cc: Piani, Robert
Subject: RE: Live Music IDC

Dear IDC member

Please find attached the Minutes of the last IDC meeting and the Agenda for the meeting to be held 3.00-4.30pm on 19 October in the 5th floor conference.

I will bring the consolidated list of agency comments on the Legislative Assembly Inquiry into Community Events to the meeting so that any areas of disagreement can be discussed before the cabinet submission exposure draft is finalised. As comments are due by agencies on 15 October and I will need to consolidate the responses it will not be possible to provide a copy in advance of the meeting.

Anne

From: Robinson, AnneK

Sent: Thursday, 23 September 2010 5:06 PM

To: Thorman, Rob; Lefterys, Rish; Gottlieb, Catherine; Boyer, Penny; Wilks, Trish; Neil, Robert; Cubin, Derise; Friend, Stuart; Strehar, Kathy; Whitney, David; Pearce, Kel; Walsh, Kelvin; Walters, Daniel

Cc: Featherstone, Nigel

Subject: Live Music IDC

Dear IDC member

As you are aware the Legislative Assembly Inquiry into Community Events has now been completed. artsACT is preparing the Government response to the Inquiry and has written to the ministerial liaison area of each of your departments/agencies to seek a response to the recommendations. Departmental responses to artsACT are required by 15 October, you may wish to contact your liaison area to discuss your internal timeframe.

The Inquiry response will occur in parallel with the IDC process. The IDC may wish to include some of the Inquiry recommendations into the Cabinet Submission to be prepared by the IDC. artsACT also considers that it would be beneficial for the IDC to look at the Government response to Inquiry before it is lodged with Chief Minister and Cabinet. We therefore propose bring forward the next IDC meeting to 3.00pm on **Tuesday 19 October** (venue TBC). I have attached a timeline which hopefully clarifies the two processes.

Thank you to everyone who has commented on the IDC draft recommendations. I would be grateful if I could have all comments back by 18 October. I note that this is earlier than originally requested so please let me know if this poses a problem for you.

Please contact me if you have any queries about these processes.

Anne Robinson
Arts Development Officer for Community Arts and Music
artsACT

Phone: 6207 2378

email: annek.robinson@act.gov.au

address: Level 4, Nara Centre, 1 Constitution Ave, Canberra City ACT 2602

301

Robinson, AnneK

From: Virtue, Geoff
Sent: Wednesday, 29 September 2010 6:40 PM
To: Robinson, AnneK
Cc: Webb, Robert
Subject: RE: Live Music IDC

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Anne

Thanks for this. Just to let you know this paper is being circulated through our Department for comment by Bob Webb.

In relation to my team, we have no further comments.

Cheers
off

From: Robinson, AnneK
Sent: Wednesday, 29 September 2010 2:32 PM
To: Virtue, Geoff
Subject: FW: Live Music IDC

Hi Geoff

Sorry, I think that I needed to send this to you rather than Kathy Strehar. Please give me a call if you have questions about the IDC.

Anne

From: Robinson, AnneK
Sent: Thursday, 23 September 2010 5:06 PM
To: Thorman, Rob; Lefterys, Rish; Gottlieb, Catherine; Boyer, Penny; Wilks, Trish; Neil, Robert; Cubin, Derise; Friend, Stuart; Strehar, Kathy; Whitney, David; Pearce, Kel; Walsh, Kelvin; Walters, Daniel
Cc: Featherstone, Nigel
Subject: Live Music IDC

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Anne Robinson
Arts Development Officer for Community Arts and Music
artsACT

Phone: 6207 2378

email: annek.robinson@act.gov.au

address: Level 4, Nara Centre, 1 Constitution Ave, Canberra City ACT 2602

Robinson, AnneK

300

From: Robinson, AnneK
Sent: Thursday, 23 September 2010 5:06 PM
To: Thorman, Rob; Lefterys, Rish; Gottlieb, Catherine; Boyer, Penny; Wilks, Trish; Neil, Robert; Cubin, Derise; Friend, Stuart; Strehar, Kathy; Whitney, David; Pearce, Kel; Walsh, Kelvin; Walters, Daniel
Cc: Featherstone, Nigel
Subject: Live Music IDC
Attachments: Music IDC and Music Inquiry Coordination Plan.doc

Dear IDC member

As you aware the Legislative Assembly Inquiry into Community Events has now been completed. artsACT is preparing the Government response to the Inquiry and has written to the ministerial liaison area of each of your departments/agencies to seek a response to the recommendations. Departmental responses to artsACT are required by 15 October, you may wish to contact your liaison area to discuss your internal timeframe.

The Inquiry response will occur in parallel with the IDC process. The IDC may wish to include some of the Inquiry recommendations into the Cabinet Submission to be prepared by the IDC. artsACT also considers that it would be beneficial for the IDC to look at the Government response to Inquiry before it is lodged with Chief Minister and Cabinet. We therefore propose bring the forward the next IDC meeting to 3.00pm on **Tuesday 19 October** (venue TBC). I have attached a timeline which hopefully clarifies the two processes.

Thank you to everyone who has commented on the IDC draft recommendations. I would be grateful if I could have all comments back by 18 October. I note that this is earlier than originally requested so please let me know if this poses a problem for you.

Please contact me if you have any queries about these processes.

Anne Robinson
Arts Development Officer for Community Arts and Music
artsACT

Phone: 6207 2378
email: annek.robinson@act.gov.au
address: Level 4, Nara Centre, 1 Constitution Ave, Canberra City ACT 2602

MUSIC IDC AND MUSIC INQUIRY COORDINATION PLAN –timeframe

WHEN	IDC ACTION	INQUIRY ACTION	STATUS
September 2010	<ul style="list-style-type: none"> - artsACT to prepare revised recs and forward to members (10/9) 	<ul style="list-style-type: none"> - Letter from ACW asking for contact delegates - Recommendation template sent out to agencies (22/9) 	<ul style="list-style-type: none"> - Revised IDC recs distributed - Template sent to agencies
October 2010	<ul style="list-style-type: none"> - IDC members to consult with their agencies and provide final comments to artsACT (18/10) - IDC meeting (19/10) 	<ul style="list-style-type: none"> - Agency feedback returned (15/10) - Combined agency feedback presented to IDC (19/10) - Exposure draft to CE(25/10) 	
November 2010	<ul style="list-style-type: none"> - position paper sent to IDC out of session (16/11) 	<ul style="list-style-type: none"> - Exposure draft to Minister (1/11) - Exposure Draft circulated (9/11) - First lodged to Minister (18/11) - First lodged final circulation (23/11) - Final Cabinet lodgement (29/11) 	
December 2010	<ul style="list-style-type: none"> - Comments from IDC members on Position Paper (7/12) 	<ul style="list-style-type: none"> - To Cabinet (6/12) - Tabling (9/12) 	
January 2011			
February 2011	<ul style="list-style-type: none"> - Cabinet Submission circulated 		
March 2011	<ul style="list-style-type: none"> - Cabinet Submission presented to Cabinet 		

Robinson, AnneK

From: Cubin, Derise
Sent: Monday, 20 September 2010 5:09 PM
To: Robinson, AnneK
Subject: FW: Live Music IDC draft recommendations
Attachments: Live Music IDC - draft recommendations.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Anne

Please find comments from Jon Quiggin Senior Director Compliance. I conclude with Jon, but other than that we have no further comments

Thanks very much

Derise

Derise Cubin
Senior Manager
Compliance
Office of Regulatory Services
PO Box 158 Canberra ACT 2601
Ph 6205 3732

From: Robinson, AnneK
Sent: Friday, 10 September 2010 3:13 PM
To: Thorman, Rob; Lefterys, Rish; Gottlieb, Catherine; Boyer, Penny; Wilks, Trish; Neil, Robert; Cubin, Derise; Friend, Stuart; Strehar, Kathy; Whitney, David; Pearce, Kel; Walsh, Kelvin
Cc: Finlayson, Nigel
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Please let me know if you have any questions about the attached paper or the process for the further development of the IDC recommendations.

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IN-CONFIDENCE

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 - c. The Chief Minister to write to other ACT Ministers noting the importance of live music and asking them to consider the impact of any changes to legislation, regulation and policy in their respective departments, and to consult with artsACT on these impacts.
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8. *ACT legislation, for example the ACT Liquor Act, does not pose barriers to the production and appreciation of contemporary live music.*

- a. When the ACT Government reviews the new ACT Liquor Act ~~in 2011~~ after its first two years operation it measures the impact of the Act on the viability of live music performance in venues, and mitigates to the maximum extent possible any negative impact that might be occurring.

Comment [JQ1]: The govt agency responsible for the review of the Liquor Act, JaCS Legislation and Policy Branch is not to be responsible for reviewing the impact on live music as part of its review of the Liquor Act.

Robinson, AnneK

From: Boyer, Penny
Sent: Wednesday, 22 September 2010 11:21 AM
To: Robinson, AnneK
Subject: RE: Live Music IDC draft recommendations

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Anne,

I have had a comment back from CIT stating:

'There is no mention of the impact of public liability insurance on a venue or organiser's capacity to put on an event. About 10 or so (give or take) years ago there were massive hikes in public liability costs for venues and I know that was given as a reason why many venues stopped having live music. Not sure whether this has changed in recent times or not, but it is certainly the case that in the 90's there were infinitely more venues with live music than there are now. I'm not just talking about original music in clubs but also music in restaurants and cafes.' Greg Stott, Music teacher.

Also can you clarify Recommendation 2f, how the ACT government will decide who suitable, "to program suitable ACT-based contemporary musicians in public events, where appropriate." Will this be through ArtsACT?

Regards,

Penny Boyer

Education Manager
Centre for Creative Industries
Canberra Institute of Technology
Room G108, Block G, Reid Campus
Constitution Avenue, Reid
PO Box 826, Canberra 2601
(02) 6207 3455 F (02) 6207 4854 M 0414 391 323
www.cit.act.edu.au
penny.boyer@cit.act.edu.au

Developing a skilled community

From: Robinson, AnneK
Sent: Friday, 10 September 2010 3:13 PM
To: Thorman, Rob; Lefterys, Rish; Gottlieb, Catherine; Boyer, Penny; Wilks, Trish; Neil, Robert; Cubin, Derise; Friend, Stuart; Strehar, Kathy; Whitney, David; Pearce, Kel; Walsh, Kelvin
Cc: Featherstone, Nigel
Subject: Live Music IDC draft recommendations

Dear IDC members

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Please let me know if you have any questions about the attached paper or the process for the further development of the IDC recommendations.

Thanks

Anne

Anne Robinson
Arts Development Officer for Community Arts and Music
artsACT

Phone: 6207 2378

email: annek.robinson@act.gov.au

address: Level 4, Nara Centre, 1 Constitution Ave, Canberra City ACT 2602

Robinson, AnneK

From: Neil, Robert
Sent: Wednesday, 29 September 2010 1:20 PM
To: Robinson, AnneK
Cc: Thorman, Rob; Lefterys, Rish; Gottlieb, Catherine; Boyer, Penny; Wilks, Trish; Neil, Robert; Cubin, Derise; Friend, Stuart; Strehar, Kathy; Whitney, David; Pearce, Kel; Walsh, Kelvin; Featherstone, Nigel
Subject: FW: Live Music IDC draft recommendations
Attachments: Live Music IDC - draft recommendations.doc
Follow Up Flag: Follow up
Flag Status: Flagged

Re

Some minor amendments as discussed with Daniel.

More generally, I think the document is OK but it has not demonstrated the case that the objectives are not currently being met!

Regards
Rob

cc NEIL

Director
Environment Protection
Department of the Environment, Climate Change,
Energy & Water
Phone: (02) 6207 2230
Fax: (02) 6207 2316
Email: robert.neil@act.gov.au

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To: Thorman, Rob; Lefterys, Rish; Gottlieb, Catherine; Boyer, Penny; Wilks, Trish; Neil, Robert; Cubin, Derise; Friend, Stuart; Strehar, Kathy; Whitney, David; Pearce, Kel; Walsh, Kelvin
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Whitney, David

294

From: Whitney, David
Sent: Wednesday, 1 September 2010 6:42 PM
To: Kefford, Andrew; Dakin, Michael
Cc: Lasek, Jeremy; Featherstone, Nigel
Subject: Assembly Inquiry into Live Community Events

Dear Andrew,

As discussed artsACT is happy to run with the coordination of the Government Response to this Inquiry as it links directly to the IDC we have on the Reduction to Barriers for Live Music.

This will provide an opportunity for a coordinated approach and we can use the IDC for the consultative process as well.

The end result by end of November will be one Govt response to the Inquiry and the IDC. Jeremy will be the responsible and Nigel Featherstone the contact officer.

Cheers

David

David Whitney
Director, artsACT
Chief Ministers Department
P (02) 6207 2389 F (02) 6207 2386 E david.whitney@act.gov.au

IN-CONFIDENCE

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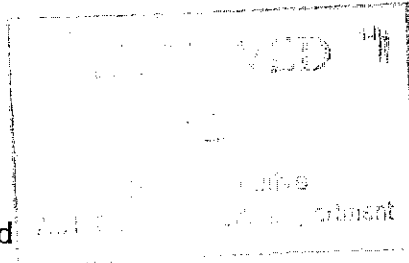
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Our Reference: A5797822

Mr Andrew Cappie-Wood
Chief Executive
Chief Minister's Department (CMD)
PO Box 158
CANBERRA ACT 2601

Dear Mr Cappie-Wood

Commercial Zones Policy Review (Phase 1) – Discussion Paper

As you will be aware, the ACT Planning and Land Authority (ACTPLA) is currently undertaking a staged review of the policy content of the Territory Plan. The next phase of the review will examine certain planning policies for Commercial zones, specifically:

- the Commercial zones' development tables and objectives
- the Group Centres Development Code
- the Local Centres Development Code

Further to this project, ACTPLA has prepared the attached discussion paper for agency comment in relation to:

- 1) The substantive policy issues raised within the various 'key question' boxes found throughout the paper
- 2) The functionality of the paper as a document for public consultation (e.g. in terms of the range of issues discussed)

The discussion paper builds on a background paper discussing planning issues related to the ACT's 'night-time economy' circulated to agencies in May of this year. You may also wish to note that the paper discusses policy options around public art and cultural provision within larger commercial developments and thus would likely be of particular interest to artsACT.

The contact officer for this project is Dr Chris Beer, who can be reached at christopher.beer@act.gov.au or 52616. It would be appreciated if any comments on were received by ACTPLA by Wednesday 27 September 2010.

Yours sincerely

Neil Savery
Neil Savery
Chief Planning Executive
30 August 2010

Chris Beer

Commercial zones policy review (phase 1):

Zone Objectives, Development Tables, and Group and Local Centres Development Codes

ACT Planning and Land Authority

September 2010

1. Introduction

Commercial centres and other sites with a commercial zoning provide key sites for retailing, office employment, 'night-time economy' activities, community life, and government service delivery. Increasingly, they are also home to many Canberra residents.

The ACT Planning and Land Authority (ACTPLA) is currently reviewing the policy content of the Territory Plan. The first phase of the review covered policy relating to residential zones, new estates, and the Community Facility Zone. As part of the review's next phase, this paper builds on initial research and analysis by ACTPLA and discusses certain aspects of policy for commercial zones. More specifically, it is concerned with:

- the objectives and development tables of the commercial zones;
- the Group Centre Development Code, and;
- the Local Centre Development Code.

Other aspects of policy for commercial zones (i.e. the City Centre Development Code, the Town Centres Development Code, the CZ 2 Office Areas Outside Centres Development Code, the CZ 5 Mixed Use Development Code, and the CZ 6 Leisure and Accommodation Zone Development Code) will be addressed in later phases of the Territory Plan policy review.

Through a series of key questions, the paper seeks views in relation to a number of policy issues. Salient comments not directly related to the key questions are also welcome. All comments received will help inform the anticipated subsequent drafting of a formal variation to the Territory Plan.

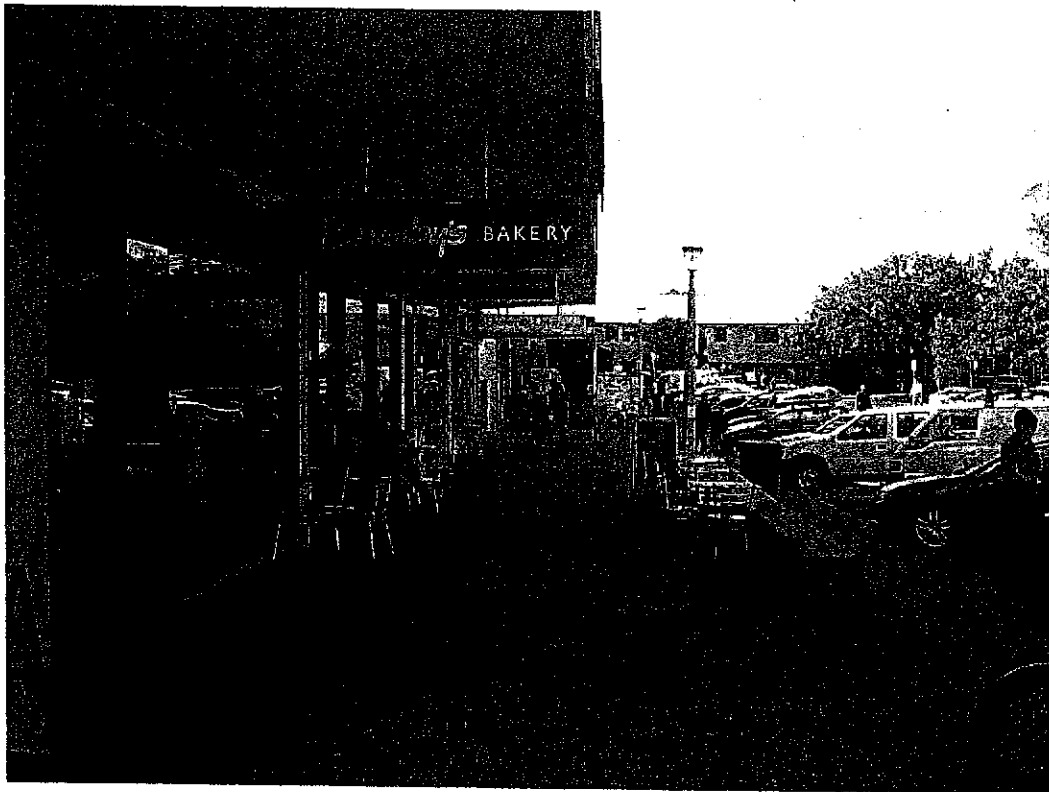
If you wish to make a comment or have any queries in relation to this paper please contact [Add address]@act.gov.au, or call 6205 2616. You can also write to:

Commercial Zones Policy Review
Development Policy Section
ACT Planning and Land Authority
PO Box 1908
CANBERRA ACT 2601

The period for comments will close [Add date]

While any policy changes will potentially have local impacts, this review should not be confused with more detailed, design-orientated master-planning exercises conducted by ACTPLA for individual centres (such as, for example, those recently undertaken for the Dickson and Kingston group centres).

The relevant current policies for commercial zones can be found at the Territory Plan's webpage at: <http://www.legislation.act.gov.au/ni/2008-27/current/default.asp>



Ainslie – A traditionally planned local centre

2. The objectives of commercial zone planning and background

Planning for commercial land uses in cities in Australia and elsewhere over the last sixty or so years has generally sought to create hierarchies of centres ranging in their scale and intended function. In Canberra, such hierarchies have been formally provided for in strategic plans since the 1960s. The elements of the ACT's current centre hierarchy are:

- The city centre (or Civic) (i.e. with commercial and other development generally serving the Canberra metropolitan area as a whole);
- Town centres (such as the Belconnen Town Centre, Greenway, or Philip, with commercial and other development generally serving district populations, i.e. in these cases, the Belconnen, Tuggeranong, and Woden districts respectively);
- Group centres (such as, for example, the Jamison, Manuka, or Lanyon centres with commercial and other development generally serving 'groups' of nearby suburbs – see Appendix 'A' for a full list)
- Local centres (such as, for example, the Ngunnawal, O'Connor, or Chapman shops) providing convenience shopping and other services and facilities generally serving the surrounding suburb)

Canberra therefore has a polycentric (or multi-centre) urban form with considerable decentralisation of retailing and employment, particularly to the town and group centres. Industrial areas such as Fyshwick also play an important role in the retailing of certain forms of goods such as 'bulky goods'. Looking to the future, online shopping is expected to become increasingly important within the retail sector and may have planning implications in the years ahead.

Canberra's commercial planning to date has created notable differences with other comparable cities. In part due to its later development than the

Australian state capitals (i.e. from the early 20th century onwards, rather than during the 19th century), there is an absence of strip, or 'corridor' retailing (such as, for example, along Parramatta Road or Oxford Street in Sydney). There has also been relatively little out-of-centre development to date, and thus 'retail blight' (or clusters of vacant or abandoned retailing space) has been largely avoided.

What should be the objectives of land use planning for commercial activities?

In seeking to create centre hierarchies and provide for other forms of commercial land use, planning typically seeks to pursue multiple goals. Many of these goals – such as facilitating sustainability and liveability – are common across jurisdictions. In discussing the objectives of commercial planning, this paper draws on recent policy development in NSW, Victoria, Western Australia, New Zealand, and the United Kingdom¹.

Need to
Australia was
at the time
of the
1950s
1960s
1970s
1980s
1990s
2000s
2010s
2020s

Co-location, connections, and carbon

A key goal of centres planning is the co-location of complementary activities and land uses. Effective co-location reduces the number of trips people have to make and the distance of trips. In cities where most trips are made by car (such as Canberra) fewer and shorter trips are likely to mean lower levels of carbon emissions, as well as lower private transportation costs. The public may also benefit through lower road building costs and lower costs in providing effective public transport than would be the case if commercial and other activities were inappropriately dispersed. A hierarchy or network of centres across a city as a whole – combined with the restriction of out-of-

¹ Relevant recent documents from other jurisdictions include: Victorian Department of Planning and Community Development (2008) *Retail Policy Review: Discussion Paper*, Wellington City Council (NZ) (2008) *Centres Policy*, Western Australian Planning Commission (2008) *Planning Activity Centres for Communities and Economic Growth*; NSW Department of Planning (2009) *Draft Centres Policy: Planning for Retail and Commercial Development*, UK Department for Communities and Local Government (2009) *Planning for Town Centres: Practice Guidance on Need, Impact, and the Sequential Approach*.

centre development – can facilitate equity in terms of relative geographic access to employment, retailing, and other services.

Co-location also has other benefits. The concentration of commercial and other land uses (such as social infrastructure) that generate the coming and going of large numbers of people protects the amenity of people who would prefer to live in quieter, predominately residential areas. Nonetheless, it is also recognised that some residential development in commercial centres can also be desirable. In particular, residents can generate activity outside of the 'standard' retailing or office employment hours and whose presence improves the real or perceived safety of a centre during these times through passive surveillance. Activity in general is often experienced positively, with the 'buzz' of people contributing to the attractiveness of a place.

Competition and choice

In both Australia and the United Kingdom retailing competition has recently been the subject of considerable public debate. Within this debate it has been suggested by bodies such as the Australian Competition and Consumer Commission (ACCC), the Productivity Commission, and the UK's Competition Commission, that planning reforms may help foster competition². Locally, the ACT Government commissioned a consultant (Mr John Martin) to undertake a report into local supermarket competition issues. This report was accepted by the ACT Government and released to the public in September 2009. An ACT Supermarket Competition Policy Implementation Plan has been subsequently developed³.

Contemporary planning in the ACT is not characterised by policies sometimes found in other Australian jurisdictions considered to be anti-competitive. For

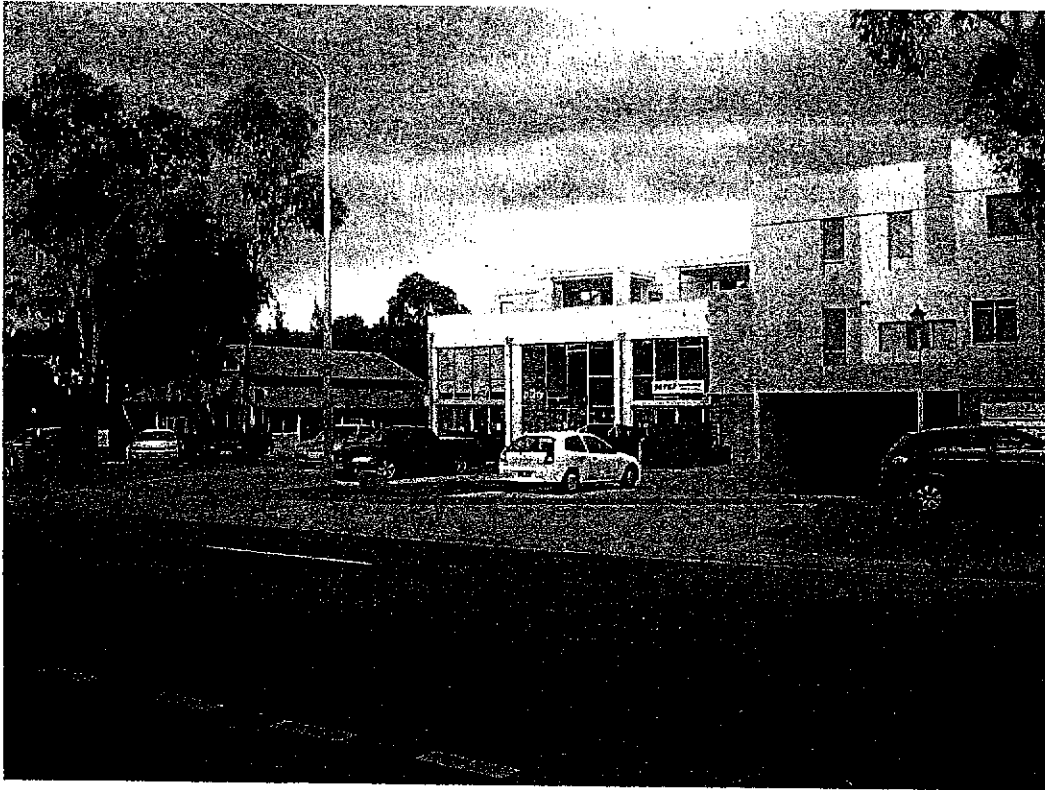
² For more details see, ACCC (2008) *Report of the ACCC into the competitiveness of retail prices for standard groceries*; Productivity Commission (2008) *The Market for Retail Tenancy Leases in Australia*; Competition Commission (2008) *The supply of groceries in the UK market investigation*.

³ For details see:

http://www.business.act.gov.au/_data/assets/pdf_file/0007/176749/ACT_SUPERMARKET_COMPETITION_POLICY_IMPLEMENTATION_PLAN_jan09_-_FINAL.pdf

example, there are no restrictions within centres on the proximity of like businesses or the numbers of like businesses, and the effect of a new business on an existing individual business is (in itself) not treated as a relevant consideration within the development assessment process. Most of the other planning-related issues identified by the ACCC and others lie outside of the scope of this paper (for example, these included alleged restrictive leasing arrangements within malls, and the abuse of planning appeals processes by the competitors of proposed developments).

However, certain rezoning opportunities and planning policy revisions might be considered that may have positive competition or consumer choice outcomes. These will be outlined later.



Local shops integrated with residential development, Bruce

An overview of the current Territory Plan policy framework

Currently the Territory Plan makes general provision for commercial activities and a hierarchy of centres through six commercial zones and seven associated development codes. Each zone is described in the Territory Plan the following terms:

CZ1 Core Zone

This zone is the main business core of higher order commercial centres and is the primary location of shops, non-retail commercial uses, restaurants, commercial accommodation, and indoor entertainment facilities. Residential and community uses are also permissible, subject to design and siting to minimise incompatibility with primary uses.

CZ2 Business Zone

This zone is intended for more fringe commercial activities, primarily non-retail commercial uses, commercial accommodation, and some restaurants and indoor entertainment and recreation facilities. Residential and community uses are also permissible, subject to design and siting, provided they are not incompatible with primary uses.

CZ3 Services Zone

This zone is intended for fringe retailing, which includes bulky goods, light industry, service trades, service stations, restaurants and indoor entertainment and recreation facilities. Residential, non-retail commercial and community uses are also permitted subject to compatibility with predominant land uses.

CZ4 Local Centre Zone

This zone is intended for local shops, non-retail commercial and community uses, service stations, and restaurants to service a local community. Residential uses may also be permitted.

CZ5 Mixed Use Zone

This zone provides for high-density residential uses in highly accessible locations (such as major avenues) in conjunction with non-retail commercial uses, commercial accommodation, and limited shops, restaurants and community uses.

CZ6 Leisure and Accommodation Zone

This zone provides for indoor entertainment and recreation facilities, clubs, drink establishments, restaurants and commercial accommodation. Limited shops, residential, and non-retail commercial and community uses may also be included.

This six-zone system was introduced with the new Territory Plan in March 2008. While the new Territory Plan reorganised policies, it did not make major changes to policy content. There has not been a general review of policy content for statutory commercial planning since the original 1993 Territory Plan. However, some more specifically-focused variations have taken place in the interim:

- *Variation 64 (July 1997)* – This variation broadened the range of uses permitted in local centres (including light industry, some forms of industrial trades, guest houses, and certain community activities) with the intent of bolstering the viability of such centres. Protections were also established to protect viable convenience retailing within these centres from residential and other uses.
- *Variation 158 (February 2002)* – This variation implemented a number of policy changes in relation to group centres. The most significant of these were boundary changes to Commercial land use precincts within individual centres (i.e. what would now be a rezoning from one Commercial zone to another), the removal of many community facilities from the 'Commercial precincts' of many centres (i.e. what would now be a rezoning to 'Community Facility'), and the harmonisation of the system of controls for the Dickson, Kingston, and Manuka centres with those used for the other group centres.

Civic, the town centres, and the group centres are currently comprised of the combinations of various zones – typically the CZ 1 (Core), CZ 2 (Business), and CZ 3 (Services) zones, but may also functionally incorporate CZ 5 (Mixed Use) and CZ 6 (Leisure and Accommodation)-zoned areas, as well as areas with non-commercial zonings (such as Community Facility, Urban Open Space, or Restricted Access Recreation-zoned blocks).

Some precincts of commercial-zoned land also exist outside of centres, of which the most significant are a CZ 2-zoned corridor along Northbourne Avenue and a CZ 2-zoned 'office park' at West Deakin. Two larger areas of CZ 5-zoned land exist in Bruce (adjacent to the Australian Institute of Sport) and at the Kingston Foreshore.

Commercial planning in the ACT is also shaped by the policies of the National Capital Plan (NCP) administered by the National Capital Authority (NCA), particularly in relation to Commonwealth employment location. Specifically, the NCP provides for two employment corridors (i.e. one running West-East from Belconnen Town Centre to Canberra International Airport, and another running North-South from Gungahlin Town Centre through to Tuggeranong Town Centre) within which major Commonwealth offices should be located.

Key question 1

In light of the above discussion what should be the objectives of the Territory Plan's commercial zones?

Key question 2

Should the number of commercial zones/centres be revised? Could the names of the commercial zones/centres be improved?



Suburban supermarket shopping at the Jamison group centre

3. Development tables and zonings

Each zone within the Territory Plan has an associated development table which allocates particular land uses to one of three 'tracks' (or levels of intensity of assessment and notification) when a development application (DA) is required to be submitted. In simple terms, within this system the 'Merit' track is the standard track for a 'typical' development application within a given zone. Alternatively, some uses are prohibited within certain zones (for example, a land fill site cannot be located on land with a commercial zoning).

The current review thus provides an opportunity for the allocation of different forms of land use to different assessment tracks and other aspects of the adequacy of the development tables to be reconsidered.

Harmonisation of Merit-assessable uses

There are a number of Merit track assessable uses common across the six current commercial zones. These include shops, offices, restaurants, and community uses. However, some uses which are Merit-assessable in some zones (for example, 'light industry'⁴ within the CZ 1, 3, and 4 zones) are generally prohibited in other zones (in this case, the CZ 2, 5, and 6 zones). In some cases the rationale for such prohibitions is not immediately clear. Scope therefore exists to harmonise the range of Merit-assessable uses across the commercial zones. Where a given use might pose the risk of undesirable amenity impacts these might be better dealt with through restrictions on use or other policies within the relevant development code, rather than the outright prohibition of a use within a development table.

⁴ Light industry is defined in the Territory Plan as 'an *industry*, not being a *general, offensive, hazardous or mining industry*, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the locality by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise. The use includes a *craft workshop*'.

Having reviewed the existing development codes, the following forms of development might be made common Merit-assessable uses across all or most commercial zones:

- SHOP (an umbrella term encompassing various retailing formats)
- NON RETAIL COMMERCIAL USE (an umbrella term encompassing offices, financial establishments, business agencies, and public agencies)
- COMMUNITY USE (an umbrella term encompassing various social infrastructure land uses)
- COMMERCIAL ACCOMMODATION USE (an umbrella term encompassing various forms of accommodation associated with tourism)
- Place of assembly
- Scientific research establishment
- Indoor entertainment facility (if no new replacement use is introduced instead, see below)
- Drink establishment (if no new replacement use is introduced instead, see below)
- Club
- Light industry
- Boarding house
- Funeral parlour
- Craft workshop
- Veterinary hospital

Key question 3

What uses should be Merit-assessable within commercial zones?

'Night-time economy' (NTE) venue definitions

Earlier in this paper the various benefits of co-locating residential and other land uses in commercial centres were noted. However, this co-location can in some circumstances cause conflict. Over the last decade or so, tensions between residential uses and the hospitality and entertainment industries (which are sometimes collectively labelled as the 'evening economy' or 'night-time economy') have become prominent across cities in Australia, New Zealand, the United Kingdom, and elsewhere ⁵.

These tensions, which have also been found in Canberra, usually take one of four specific forms: 1) experiences of what might be termed 'people noise' ⁶; 2) perceptions of criminality or anti-social behaviour; 3) conflicts around the performance of live music; or 4) conflicts around rubbish in public spaces and waste management. Planning has been routinely called upon to address these conflicts through its capacity to shape the built environment and manage spatial relationships. This has accordingly led to a variety of common debates and responses across jurisdictions. Such responses have included policy changes to address particular issues (such as, the performance of live music), as well as broader NTE strategies ⁷.

Within NTE planning, an important issue is how NTE venues are recognised or defined within statutory planning schemes. In the ACT, the Territory Plan currently provides for the following NTE venue forms:

- Drink establishment means the use of land for the sale of alcoholic beverages and spirits to members of the public primarily for

⁵ M. Roberts and A. Eldridge's (2009) *Planning for the Night Time City* (London: Routledge) provides a good introduction to the topic from a primarily British perspective.

⁶ 'People noise' can be characterised as the inherent noise arising from the concentration of large numbers of people in a particular place at one time. Components of people noise typically including the 'buzz' of people talking, which might be at a heightened volume, through to outright shouting.

⁷ See, for example, the City of Melbourne's (2009) *Policy for the 24-Hour City: A Framework for Action*, or the Greater London Authority's (2005) *London's Night Time Economy* report.

consumption on the premises, and which is a licensed premise under the *Liquor Act 1975*. (Common terminology: 'pub', 'tavern').

- Indoor entertainment facility means the use of land for entertainment where such use is primarily indoors. (Common terminology: 'Amusement arcade', 'cinema', 'casino', 'commercial theatre', 'concert hall', 'dance hall', 'discotheque', 'music hall', 'night club').
- Club means the use of land as a meeting place for persons associated, or for a body incorporated, for a social, sporting, athletic, literary, political or other like purpose, and which is a licensed premise under the *Liquor Act 1975*.
- Restaurant means the use of land for the primary purpose of providing food for consumption on the premises whether or not the premises are licensed premises under the *Liquor Act 1975* and whether or not entertainment is provided.

Overall, the existing NTE venue definitions provide for a range of diverse land uses with different potential amenity impacts. For example, they allow that a nightclub (or an indoor entertainment facility orientated to dancing and the playing of music) may have different amenity implications to a restaurant in the same location. While this is in principle a valid approach, there are difficulties in establishing tests to clearly distinguish between these different uses. Given this situation, two broad options for policy change might be pursued:

Option 1) Collapse the definitions of 'restaurant', 'drink establishment', and 'indoor entertainment facility' into a single land use (perhaps 'hospitality venue'). This would broadly reflect the license categorisation approach of the *Liquor Bill 2010*, but may not facilitate more nuanced amenity management issues arising from potentially very different venue forms (although alternatively these might be

managed through restrictions on use in specific locations such as, for example, in local centres).

Option 2) More nuanced definitions or tests could be developed to provide for clearer differentiation between the existing defined land uses. For example, following practices in other jurisdictions, a restaurant could be defined as providing table seating for X % of patrons, or an indoor entertainment facility (in the form of a nightclub) could be defined as a venue where over X % of the venue's gross floor area is a dance floor.

Key question 4
Are the existing Territory Plan definitions for NTE venues adequate? Should either of the two options discussed above be pursued?

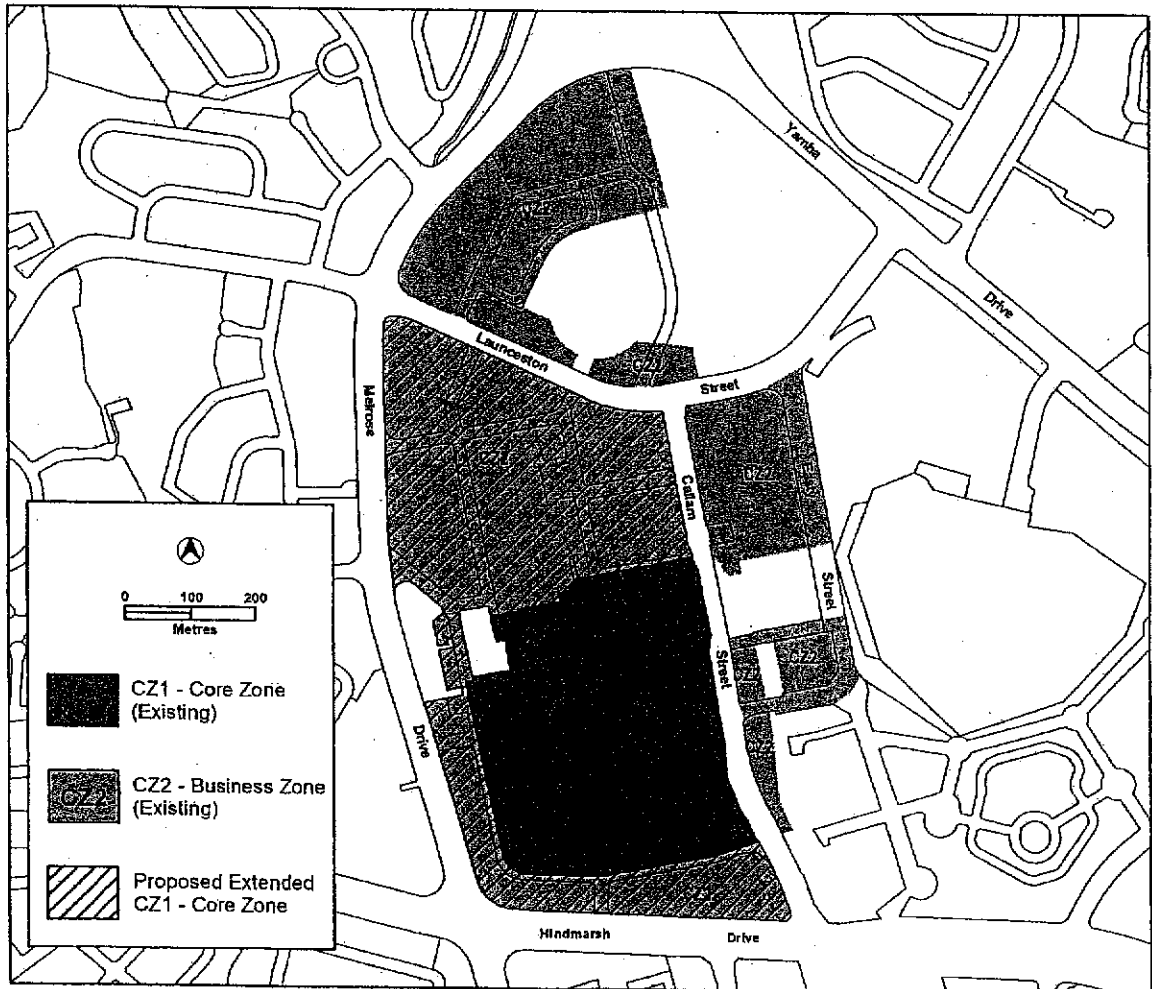
Site specific policies and rezoning opportunities

The commercial zones development tables contain a large number of site specific policies, providing additional restrictions or exemptions from the standard policies for a zone. The present review provides an opportunity to potentially systematically review these area-specific policies to achieve better substantive planning outcomes or regulatory simplification. In some cases, the rezoning of sites might be considered.

In examining grocery retailing competition in the ACT, the Martin Report (as introduced earlier in this paper) called for 'zoning reform' generally across commercial centres ⁸ to increase land supply for new supermarkets. However, beyond being critical of 'rigidity' in principle, the report did not make explicit recommendations as to what content such zoning reform might take. One means of response to the Martin Report and the ACT Supermarket Competition Policy Implementation Plan might be through rezoning the CZ 2

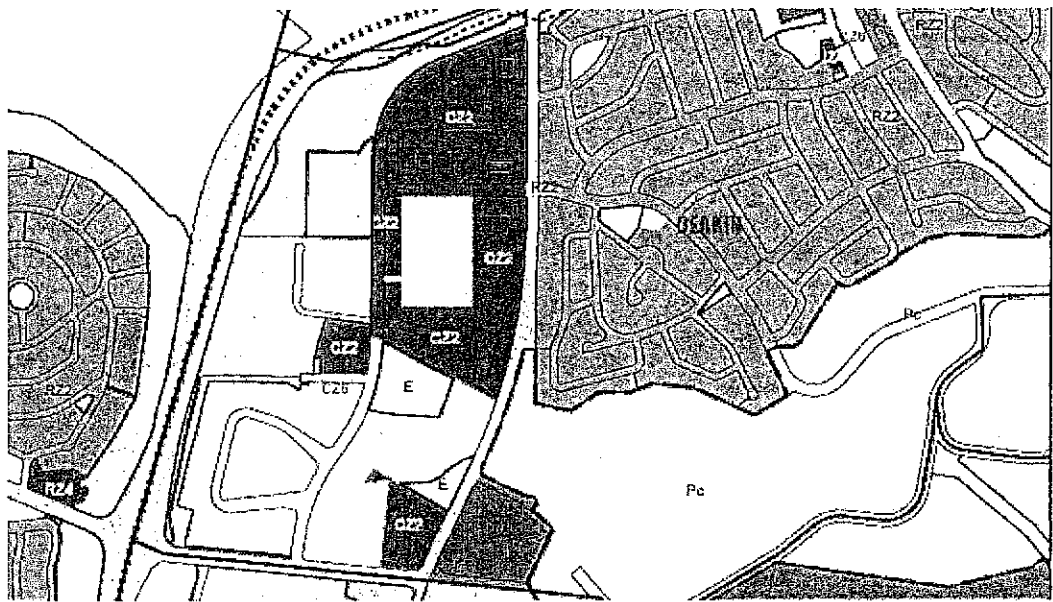
⁸ It should be noted that elsewhere the Martin Report (p.77) suggested that the direct sale of sites will likely be more effective in facilitating competition than zoning reform.

and CZ 3 areas of centres (where supermarkets are significantly restricted in their gross floor area) to CZ 1 (where supermarket gross floor area is not restricted). An effect of such a change would be to increase the number of locations where new supermarkets (and other larger retailing businesses, such as for example, discount department stores) might locate. Exploratory analysis by ACTPLA suggests that this approach would be viable across significant proportions of the areas of a number of town and group centres. For example, commercial-zoned land within Woden town centre (Phillip) might be rezoned in the following way:



The West Deakin CZ 2 office precinct provides another case where rezoning or alteration to area-specific policies might achieve a better planning outcome. This area is currently primarily developed as lower density office space, but is

otherwise well-located adjacent to a major transport corridor and is identified within the Spatial Plan as an area suitable for residential intensification. Currently, (within the CZ 2 development table) there is a prohibition on residential development in most of this precinct. This might be removed or the area could be rezoned to CZ 5, which would also provide for both office and residential uses.



West Deakin – The CZ 2-zoned area is in dark blue.

Key question 5

Should more land be rezoned CZ 1 within town and group centres for the purpose of increasing land available for development for new supermarkets and other larger retailing businesses?

Key question 6

Should other commercial-zoned land elsewhere be rezoned or other site-specific policies be revised?

4. The group and local centre development codes

The Group Centre Development Code and the Local Centre Development Code provide detailed policies regulating various aspects of development in each of these forms of centre. The policies include restrictions on land use, building and site controls, built form controls, and policies relating to parking, access, amenity, the environmental performance of new development, and services (i.e. utilities). Some site-specific policies are also found in these codes. Following on from its background research and recent operational experiences, ACTPLA has identified the following policy issues.

Managing retailing and the hierarchy of centres

The group and local centres development codes currently contain policies intended to manage the distribution of retailing across the city as a whole and within group centres to achieve various policy goals. For example, the Group Centres Development Code regulates the location of supermarkets (and other retail businesses) by providing for floorspace restrictions in the CZ 2 (100-300m², depending on location) and CZ 3 (300m²) zones. These policies are intended to steer these developments towards 'core' CZ 1 areas in the interest of amenity and traffic management. While it does not contain an absolute quantitative restriction on the size of supermarkets or other development forms, the Local Centres Development Code nonetheless provides that:

'A proposal to carry out development in a local centre must have regard to any significant adverse economic impact on other commercially viable local centres.' (Criterion 33)

Building on these existing policies, a formal maximum floorspace limit for supermarkets and other large shops within local centres could be specified, beyond which there would likely be unacceptable impacts on other centres or on the amenity of adjacent residential uses. Such a policy could provide

greater certainty to lessees and supermarket operators. Similarly, the existing Criterion 33 from the Local Centre Development Code could be adapted for inclusion within the Group Centre Development Code to facilitate the operation of the hierarchy of centres.

Key question 7

Should a maximum floorspace limit for supermarkets within local centres be specified?

Key question 8

Should Criterion 33 (see above) from the Local Centres Development Code be adapted for inclusion in the Group Centres Development Code?

Consideration might be given to revising existing policies found in both codes which seek to protect community and recreation facilities where need or access cannot otherwise be readily provided for⁹. The remit of this policy could be expanded to cover certain other uses, particularly those requiring specialist facilities rather than generic retail space, and which provide important social or cultural functions. Examples of specialist development forms that might be covered by such a revised policy might include:

- Supermarkets
- Service stations
- Cinemas
- Hospitals
- Health facilities
- Child care centres

⁹ See Rule 8/Criterion 8 in the current Local Centres Development Code, and Rule 30/Criterion 30 in the Group Centres Development Code.

Key question 9

Should the existing policies seeking to protect access to certain key forms of development with important social or cultural functions requiring specialised built forms be revised in any way?

'Night time economy' and other amenity-related policy options

Continuing on from the earlier discussion in the paper on NTE venue definitions, consideration might be given to a number of policy options that might further address NTE-related and other amenity issues.

Precincts with increased noise attenuation requirements

Businesses undertaking a common trade frequently cluster in particular locations for a variety of reasons. This is also often the case with NTE venues (e.g. restaurants, cinemas, pubs, and cafes). While NTE venues can be found in centres across Canberra, the city centre, Dickson, Manuka, and Kingston are widely recognised as local hubs of night-life. Although this clustering is potentially convenient to NTE patrons and facilitates policing and the provision of associated services (e.g. lighting or taxi ranks), the concentration of venues and patrons can undermine the amenity experiences of residents in these locations.

In the ACT, environmental noise policies and associated compliance activities are primarily the responsibility of the Environment Protection Authority (a sub-unit of the Department of Environment, Climate Change, Energy, and Water)¹⁰. Noise issues can also be considered within the liquor licensing of NTE venues (administered by the Department of Justice and Community Safety). However, planning also plays a role in addressing noise through land use planning, leasing practices, and the assessment of development proposals.

¹⁰ See www.noise.act.gov.au for more details.

Currently, development applications (DAs) for residential development in Commercial zones must be accompanied by a report prepared by a qualified acoustic engineer demonstrating that the development will comply with certain Australian Standards and Territory legislation. The Building Code of Australia (BCA) also regulates noise transmission within buildings.

While these policies provide a basic level of protection for residential amenity, they could be augmented in locations with higher levels of noise exposure – such as where NTE venues are clustered¹¹. Within these locations the Territory Plan might require DAs for residential development (and other noise sensitive land uses) to demonstrate a higher degree of noise attenuation through design and construction (potentially through meeting relevant specified BCA provisions)¹².

Key question 10

Should precincts be identified where residential development should be required to meet a higher level of noise attenuation?

If so, where should any such precincts be identified?

Location controls

A further common means of addressing land use conflicts in planning schemes is through controls on the location of relevant land uses. For example, a large NTE venue might be restricted from locating within X metres of a hospital. Alternatively, mitigating policies (such as visual screening requirements) can be combined with such policies.

¹¹ In Australia the best known existing example of such a policy is probably the Brisbane City Council's planning and development framework for Fortitude Valley, an area that has historically hosted a number of significant live music venues

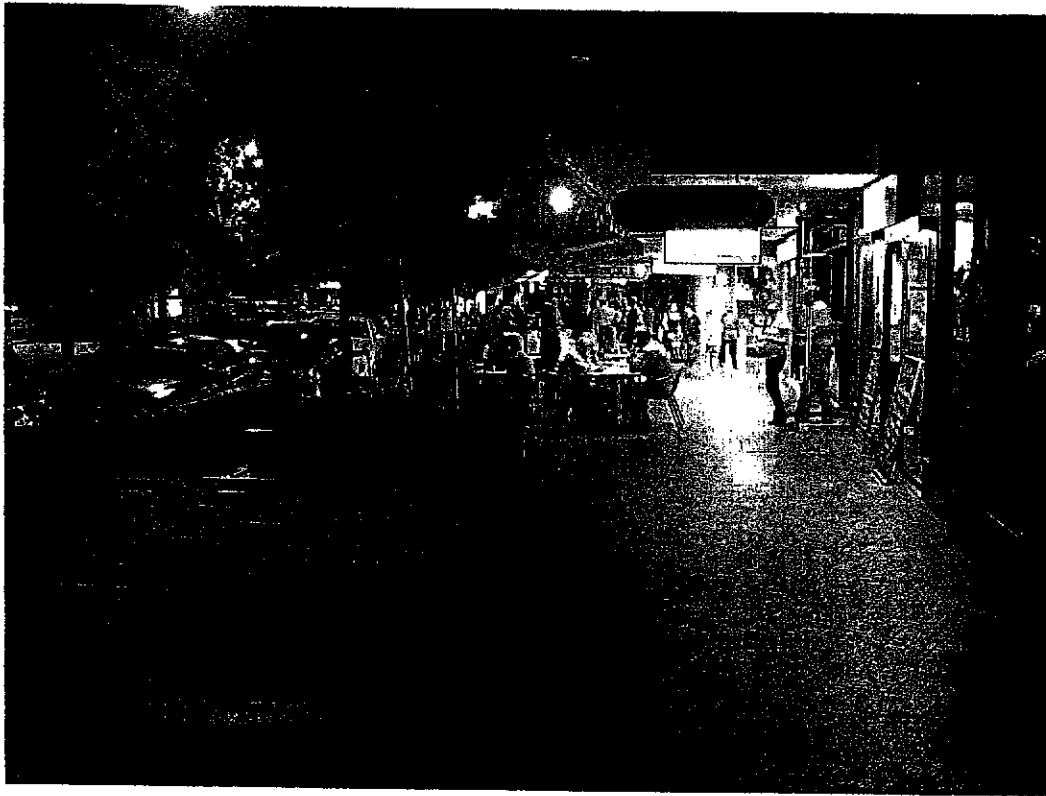
¹² Incidentally, it should be noted that measures that improve the acoustic performance of building (such as double glazing, wall insulation, or gap sealing) frequently also improve the energy efficiency performance of buildings.

While potentially effective in reducing land use conflict, such controls can be problematic. The separation of activities runs counter to the general orientation of contemporary planning towards the mixing of many forms of land use¹³.

Key question 11

Should there be any location controls for new NTE venues (or alternatively, other forms of new development near existing NTE venues)?

If so, what sort of location controls should be considered?



Night-time street life, Manuka (Griffith)

¹³ That said even cities frequently held up as successful models of mixed use planning – such as Barcelona – sometimes maintain location control policies. See M. Roberts and A. Eldridge. (2009: 147) *Planning the Night Time City*.

Other possibilities

Various other possibilities might be considered to enhance the capacity of the ACT's planning system to manage amenity issues.

Currently, DAs for a range of NTE venues must be accompanied by a noise management plan (NMP) that outlines 'design, siting and construction methods which will be used to minimise the impact of noise on neighbours'¹⁴. In this vein, NMPs might also be introduced for supermarkets or any other form of larger development commonly found within commercial zones with potentially significant local noise impacts.

Some jurisdictions also require DAs for new NTE venues to provide contextual information to address other issues. For example, DAs might include sketch maps of the surrounding area which can be subsequently used to assess the adequacy of surrounding infrastructure (such as CCTV provision for safety), or to ensure the appropriate social separation of entries and egresses between neighbouring developments that might otherwise be problematic.

In the ACT, material changes of land use often require a change to the lease for the relevant block. It has been suggested that for land uses changes which might lead to tension (for example, from office to residential use, or from shop to drink establishment), such lease variations should be accompanied by specific proposals for construction to improve the managing amenity impacts through design¹⁵.

Key question 12

What information should DAs and NMPs for new NTE venues include?

¹⁴ See Rule 70 of the existing Group Centres Development Code.

¹⁵ This view has been expressed by, among others, the ACT Administrative Appeal Tribunal in determining two cases in the mid-2000s regarding lease variation proposals in Kingston.

Should lease variation proposals to allow NTE venues be accompanied by specific proposals for construction?

Key question 13

Should DAs for supermarkets and other large shops (e.g. with a gross floor area of greater than 1500m²) be accompanied by NMPs?

Should DAs for any other land use types commonly found in commercial zones be accompanied by NMPs?

Built form, character, and public spaces

Both the group and local centre development codes contain a number of controls on the built form of development, including policies regarding the height of buildings, maximum plot ratios, and the relationship of building entrances and frontages to public spaces such as streets and plazas. Such controls seek to facilitate a number of outcomes, including the creation of visually attractive centres, active public spaces, and a scale of development that is congruent with the intended character and function of the centre within broader metropolitan strategic planning.

These controls could be revised. For example, the current formal height limit for buildings in group and local centres is generally two storeys, except where a development application can demonstrate that the scale of proposal is appropriate and will not lead to unacceptable impacts (such as overshadowing). Arguments might be made though, for example, that a general increase in height limits to three or four storeys might be justified in group centres in order to facilitate residential intensification in these locations.

Key question 14

Should the policies regarding height limits and other aspects of built form or character within group and local centres be revised?

Some jurisdictions require that larger commercial developments make explicit contributions to the quality of public spaces through mandating the provision of public art ¹⁶. For example, the Parramatta City Council's Development Control Plan includes the following principles:

- 'Development on sites over 5,000m² in area is required to provide and implement an Arts and Cultural Plan as part of the overall development. The plan is to include the provision of high quality artwork within the development in a publicly accessible location.'
- 'Arts and Cultural Plans are to be prepared having regard to links between the development site and any particular social or cultural sub-groups in the community, the settlement and indigenous history of Parramatta, or other culturally significant elements. Development on such land should be designed in a manner that considers and reflects those links. Historical and cultural elements, including buildings and archaeological features are to be interpreted and integrated with artworks.'

Key question 15
Should arts and cultural plans of some form be required within development applications for larger commercial developments in the ACT?

Housing within centres - Adaptable housing/universal design and dwelling mix

Most contemporary strategic plans for Australia's larger cities (including the *Spatial Plan* for Canberra) seek to locate a greater proportion of new housing within centres with the intention of reducing the environmental, social, and economic costs associated with sprawl ¹⁷. As Canberra's overall population ages there is also a need to significantly increase the supply of housing that can be adapted to meet the needs of people with restricted mobility.

¹⁶ Within Australia, the Brisbane City Council, VicUrban (i.e. the Victorian government's urban development authority) within the context of its responsibilities for Melbourne's Docklands, the Adelaide City Council, and the City of Belmont (WA), among others, maintain various similar policies.

¹⁷ See also, for example, the *Melbourne 2030* plan or *The 30-Year Plan for Greater Adelaide* (available respectively on the Victorian and South Australian state government planning departments' websites).

Reflecting this, various policies have been introduced in the ACT requiring that new dwellings in some circumstances must comply with 'Part C' of the relevant Australian Standard for adaptable housing (i.e. AS 4299). In a similar vein, the ACT Government is also investigating options to increase the number of new dwellings designed in accordance with 'universal design' principles.

Group and local centres are potentially particularly suitable sites for new adaptable housing. The location of new dwellings in these centres is likely to facilitate access to commercial activities and social infrastructure, particularly among people unable to drive. Accordingly, the current group and local centres development codes contain certain adaptable housing requirements. For example, within local centres all supportive housing or residential care accommodation developments must comply with AS 4299. Within CZ 2 and CZ 3-zoned areas within group centres ground floor residential uses must similarly generally also be adaptable.

Key question 16

Should the existing provisions for adaptable housing within group or local centres be revised? If so, how?

There is also a need to ensure that housing in centres also addresses other needs, such as those of families with children. To this end some jurisdictions have policies requiring certain proportions of units within new multi-unit developments to be 2-bedroom or 3-bedroom (rather than studios or 1-bedroom units orientated towards single-person households and small investors). For example, the Parramatta City Council provides for the following bands as a guide within its current Development Control Plan:

- 3-bedroom 10%-20%
- 2-bedroom 60%-75%
- 1-bedroom 10%-20%

Currently within the ACT the Territory Plan requires multi-unit housing in commercial zones to provide for a mix of apartment types but does not specify quantitative targets.

Key question 17

Should quantitative targets for the mixture of units by number of bedroom be introduced for new housing within group and local centres?

Social infrastructure

Aside from their commercial functions, group and local centres are also significant as locations of social infrastructure – including, for example, cultural facilities, places of worship, and youth centres. While these facilities are typically located on Community Facility-zoned land in the ACT, they can sometimes be found on land with a commercial zoning.

Following trends in government service delivery models and urban design it is likely that certain forms of social infrastructure will be increasingly integrated within or adjacent to commercial activities. Planning policy should accordingly respond appropriately.

Key Question 18

Should the group or local centre development codes be revised in any way to better address social infrastructure planning issues?



Service trades precinct, Dickson

Appendix 'A' – List of group centres

- Calwell
- Chisholm
- Curtin
- Erindale (Wanniassa)
- Jamison (Macquarie)
- Kingston
- Manuka (Griffith)
- Weston
- Wanniassa
- Charnwood
- Conder
- Dickson
- Hawker
- Kaleen
- Kambah
- Kippax (Holt)
- Mawson

It is also anticipated that land will be released for new group centres in the suburbs of Casey and Amaroo in the near future.

**REDUCTION OF BARRIERS TO THE PRODUCTION OF LIVE MUSIC IN THE ACT
INTERDEPARTMENTAL COMMITTEE**

MEETING

**Tuesday 17 August 2010
3.00 – 4.30pm
Level 5, Conference Room
Canberra Nara Centre**

DRAFT AGENDA

Activity	Lead Agency
1. Welcome & Apologies	Chair
2. Update on actions	All
3. Discussion of preliminary draft recommendations	All
4. Next steps: 10 September - artsACT to prepare revised recommendations and forward to members 22 October - IDC members to consult with their agencies and provide final comments to artsACT 16 November - position paper presented at IDC meeting for discussion 30 November - final draft position paper circulated to IDC 14 December - comments to artsACT 7 February - Cabinet submission prepared for circulation.	CMD
5. Next Meeting	Chair

Agenda Item 1 – Welcome and Introductions

Purpose

To note members present, apologies and to confirm the agenda for the meeting of 17 August 2010.

Attendees

Members invited:

Ms Sam Tyler, artsACT, Chief Minister's Department (Chair)
Mr Rish Leftreys, Department of Disability, Housing and Community Services
Mr Daniel Walters Department of the Environment, Climate Change and Water
Mr Kelvin Walsh, ACT Planning and Land Authority
Ms Derise Cubin, Department of Justice and Community Safety
Rob Thorman, Land Development Agency
Ms Kathy Strehar, Department of Territory and Municipal Services
Ms Penny Boyer, Canberra Institute of Technology
Ms Trish Wilks, Department of Education and Training
Ms Catherine Gottlieb, ACT Health
Mr Kel Pearce, Department of Land and Property Services

IDC secretariat:

Nigel Featherstone, Manager Arts Development, artsACT, Chief Minister's Department
Anne Robinson, Arts Development Officer, artsACT, Chief Minister's Department
Annek.robinson@act.gov.au

Apologies

Mr David Whitney, artsACT, Chief Minister's Department
Mr Robert Neil, Department of the Environment, Climate Change and Water
Mr Stuart Friend, Department of Treasury

Recommendation

That the IDC:

1. Note the members present.
2. Accept the apologies.
3. Agree the draft Agenda.

Item	Discussion	Action	Status
1	<p>REDUCTION OF BARRIERS TO THE PRODUCTION OF LIVE MUSIC IN THE ACT</p> <p>INTERDEPARTMENTAL COMMITTEE</p> <p>3.00 – 4.30pm, Tuesday 18 May 2010</p> <p>Level 5, Conference Room, Canberra Nara Centre</p> <p>Welcome & Apologies</p> <p>The Chair opened the meeting at 3.00pm.</p> <p>Members present:</p> <p>Mr David Whitney, artsACT, Chief Minister's Department (Chair)</p> <p>Mr Rish Leftreys, Department of Disability, Housing and Community Services</p> <p>Mr Kelvin Walsh, ACT Planning and Land Authority</p> <p>Mr Chris Beer, ACT Planning and Land Authority</p> <p>Ms Derise Cubin, Department of Justice and Community Safety</p> <p>Mr Rob Thorman, Land Development Agency</p> <p>Mr Tony Blattman, Department of Health</p> <p>Ms Penny Boyer, Canberra Institute of Technology</p> <p>Mr Robert Neil, Department of the Environment, Climate Change and Water</p> <p>IDC secretariat:</p> <p>Nigel Featherstone, artsACT</p> <p>Anne Robinson, artsACT,</p> <p>Apologies</p> <p>Mr Kel Pearce, Land and Property Services</p> <p>Mr Thomas Bishop, Department of Territory and Municipal Services</p> <p>Ms Catherine Gottlieb, ACT Health</p> <p>Ms Trish Wilks, Department of Education and Training</p> <p>Ms Naida Blackley, Department of Education and Training</p> <p>Mr Stuart Friend, Department of Treasury</p>		Agenda confirmed

2	<p>Update on actions (not included elsewhere on the agenda)</p> <p>The Secretariat noted that the 'Supporting Australia's Live Music Industry: suggested principles for best practice' report had been released by the Cultural Minister's Council and provided some interesting potential actions for States and Territories. The majority of the recommendations had already been considered by the IDC.</p> <p>Mr Walsh noted that the ACT Planning and Land Authority were reviewing the development codes for Canberra's commercial centres. Mr Beer outlined progress to date including looking at best practice, liaising with key stake holders and the preparation of an issues paper to be circulated in the next few weeks.</p> <p>Mr Neil noted that the current noise regulations would be reviewed later this year.</p>	<p>Report provided at meeting.</p> <p>ACTPLA to include the IDC on the circulation list for the review.</p> <p>DECCW tabled a number of papers including the Noise Environment Protection Policy, noise information sheets and a comparison of noise regulations administered by other jurisdictions.</p>	artsACT
3	<p>Legislative Assembly Inquiry into Live Community Events</p> <p>Ms Robinson noted that the Inquiry into Live Community Events was continuing and that a number of new submissions had been made to the Inquiry. Most of the new submissions were from residents of the Waldorf Apartments who had concerns about noise from the Transit Bar. It was also noted that the Inquiry members had toured Fortitude Valley in Brisbane to look at their zoning requirements. It is understood that Inquiry members plan to tour Canberra venues. It is not anticipated that the Inquiry will be completed until the end of</p>	<p>Copies are available from http://www.parliament.act.gov.au/committees/index.asp?committee=113&inquiry=770&category=19</p>	

	the year.		
4	<p>Meeting with music industry representatives <u>Summary of first meeting</u> The Secretariat noted that the first Forum had been very positive with approximately 20 live music representatives attending from a wide cross-section of the community. artsACT thanked the IDC representatives who attended the Forum. The key areas identified in the first forum were:</p> <ul style="list-style-type: none"> • Recognition of the importance of live music • Noise issues • Lack of appropriate performance & rehearsal venues • Contemporary music advocacy • Government support for live music • Promotion opportunities (including bollards) • Night-time public transport <p><u>Agenda for second meeting</u> The agenda for the next Forum was tabled. The focus of the meeting would be on 'practical actions which can be taken to reduce barriers to a vibrant live music industry in the ACT'</p>	<p>Notes from the Forum had previously been circulated to all Forum attendees and all IDC members.</p> <p>Agenda agreed.</p>	
5	<p>Develop strategies for inclusion in Cabinet submission There may need to be differing strategies for events of different types and scales</p> <p>Possible inclusions:</p> <ol style="list-style-type: none"> 1. Valuing live music across government <ul style="list-style-type: none"> • Chief Minister to write to Ministers noting importance of live music. • Cultural Ministers Council is looking at feasibility of collecting data but may not be provided at State/territory level. 	<p>artsACT to further develop strategies and send out before the next IDC meeting</p>	CMD

	<p>2. Noise regulations</p> <ul style="list-style-type: none"> • Noise regulations can be reviewed without making changes to the legislation. • Need to ensure recommendations are within World Health Organisation Guidelines. • Could consider a 'credit' system for big events similar to that used for motor sports but would only work where an organisation was holding a number of events. <p>3. Availability and suitability of community venues for live music rehearsal and performance – existing and proposed facilities</p> <ul style="list-style-type: none"> • Although there are logistical issues associated with the use of schools for live music rehearsals and events, the buildings are often suitable for these activities particularly in relation to noise issues. Schools are generally accessible by public transport and often have noise buffers in terms of ovals etc. • It may be possible to establish a management group which could look after the use of halls used for live music. • Should consider the use of newly built facilities eg Lyneham High School theatre. <p>4. Ways of promoting 'night-time' economies in group centres and Civic including through planning regulations</p> <ul style="list-style-type: none"> • There will be a review of the Commercial code later this year which will include night time activities. • Order of Occupancy legislation is not necessarily the best way of addressing issues between music venues and residents. <p>5. Promotion of live music events including bollards</p> <ul style="list-style-type: none"> • Better promotion of events to the community often results in fewer noise complaints. <p>6. Information for venues wishing to present live music</p> <ul style="list-style-type: none"> • The current trigger for educating businesses about noise is a noise 		
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	<p>complaint – would be better to educate businesses before there are problems</p> <ul style="list-style-type: none"> • New liquor licensing legislation will require business to develop risk management plans – could include noise. <p>7. Transport</p> <ul style="list-style-type: none"> • This is an important but complex area. <p>8. Other?</p> <ul style="list-style-type: none"> • Building codes – requirements for noise attenuation is a national issue and therefore difficult to address. • Note that environmental efficiency and noise attenuation often require the same measures. • The cost of public liability insurance can be a barrier to live music performance particular in relation to individual musicians or bands. 		
7	<p>Next Meeting</p> <p>3.00 – 4.30 pm Tuesday 17 August 2010 5th floor Conference Room Nara House</p> <p>Proposed future meeting dates:</p> <ul style="list-style-type: none"> • Tuesday 16 November 2010 		artsACT

Robinson, AnneK

From: Boyer, Penny
Sent: Tuesday, 17 August 2010 2:15 PM
To: Robinson, AnneK
Subject: Live Music Industry IDC today

Hi Anne,

I do apologise, as I will not be able to attend the IDC meeting today. CIT staff have had a look at the document and are pleased recommendations, at this stage.

Regards,
Penny

Penny Boyer

Education Manager
Centre for Creative Industries
Canberra Institute of Technology
GPO Box 826, Canberra 2601
T (02) 6207 3455 F (02) 6207 4854 M 0414 391 323
W www.cit.act.edu.au
E penny.boyer@cit.act.edu.au

> Developing a skilled community

Robinson, AnneK

From: Strehar, Kathy
Sent: Monday, 16 August 2010 10:47 AM
To: Robinson, AnneK
Subject: TAMS feedback

Hello Anne

I hope you're well.

I've had some feedback from my colleagues - please see below and attached. I'm sure we'll get more when the next draft comes out.

Roads ACT

In relation to advertising at bus stops - there is a long term contract in place with Adshel so the cost of any advertising at bus stops would need to be negotiated with Adshel. Roads ACT can assist or facilitate these discussions in the first instance but it should not be assumed as something that has no cost.

ACTION

In relation to the provision of public transport, similar to a 'NightRider' service, this could notionally be delivered by ACTION subject to bus and driver availability and at full-cost recovery. I would suggest that the IDC also consider the potential to engage other bus operators in the Canberra region such as Deanes or Transborder who specialise in group charters of this kind.

As discussed, I will be attending tomorrow's meeting. Geoff Virtue, Manager, Community Engagement & Communications, will also be attending.



Posters and
Notices.doc

Regards
Kathy

Kathy Strehar
Events Manager
Community Engagement and Communications
Territory and Municipal Services

tel: 6207 2520
fax: 6207 6148

www.tams.act.gov.au

Robinson, AnneK

From: Walters, Daniel
Sent: Monday, 16 August 2010 6:01 PM
To: Robinson, AnneK
Subject: RE: Live Music IDC Minutes and Agenda

Hi Anne

Unfortunately I am unable to attend tomorrow's meeting due an unforeseen family commitment, I am happy for the comments on the draft paper provided by Bob to be tabled. The comments provided reflect our views, I am happy to discuss out of session with any of the members including ArtsACT prior to the 10 September paper being issued for consideration by members. One point that I would like you to raise at the meeting for me, if you can, is that DECCEW will be commencing a review (funded 10/11) of the *Environment Protection Act 1997* which will include a review of the Regulations which incorporate the noise provisions.

I should be contactable tomorrow on my mobile 0408 868 481 should you wish to discuss.

ards

Daniel Walters

*A/g Director, Environment Protection & Water Regulation
(Environment Protection Authority)
Department of the Environment, Climate Change, Energy and Water
☎Ph: (02) 6207 6334
☎Fax: (02) 6207 6084
✉email: daniel.walters@act.gov.au
<http://www.environment.act.gov.au/>
Please consider our environment before printing this e-mail.*

From: Walters, Daniel
Sent: Tuesday, 10 August 2010 5:03 PM
To: Robinson, AnneK
Subject: RE: Live Music IDC Minutes and Agenda

Hi Anne

I think it would be a good idea for committee members to have some background information on environmental noise.

The EnHealth publication "The Health Effects of Environmental Noise" provides a broad overview of environmental noise issues and provides some international context. It is reasonably easy to digest.

It can be found at: <http://www.dhs.vic.gov.au/nphp/enhealth/council/pubs/pdf/noise.pdf>

Appreciated if you could circulate to members for their information.

Regards

Daniel Walters

A/g Director, Environment Protection & Water Regulation
(Environment Protection Authority)
Department of the Environment, Climate Change, Energy and Water

☎Ph: (02) 6207 6334

☎Fax: (02) 6207 6084

✉email: daniel.walters@act.gov.au

<http://www.environment.act.gov.au/>

Please consider our environment before printing this e-mail.

From: Robinson, AnneK
Sent: Tuesday, 10 August 2010 11:06 AM
To: Walters, Daniel
Subject: FW: Live Music IDC Minutes and Agenda

From: Robinson, AnneK
Sent: Monday, 9 August 2010 11:15 AM
To: Strehar, Kathy; Boyer, Penny; Cubin, Derise; Friend, Stuart; Gottlieb, Catherine; Lefterys, Rish; Neil, Robert; Thorman, Rob; Walsh, Kelvin; Whitney, David; Wilks, Trish; Pearce, Kel; Walters, Daniel
Cc: Featherstone, Nigel
Subject: Live Music IDC Minutes and Agenda

Dear IDC members

Please find attached the minutes of the last Live Music IDC meeting and the Agenda for the meeting on 17 August. Thank you to those who have provided comments on the preliminary draft report. There will be an opportunity for members to consult more fully with their departments when the next draft is released after the August IDC meeting. I have attached a copy of the draft as originally sent out. This document and your comments will be the focus of the August meeting.

A copy of the notes from the second Live Music Industry Forum is also attached for you information.

Thanks

Anne

Anne Robinson
Arts Development Officer for Community Arts and Music
artsACT

Phone: 6207 2378

email: annek.robinson@act.gov.au

address: Level 4, Nara Centre, 1 Constitution Ave, Canberra City ACT 2602

Robinson, AnneK

From: Donne, Genevra on behalf of Whitney, David
Sent: Thursday, 5 August 2010 2:10 PM
To: Newton, Joy
Cc: Tyler, Sam; Robinson, AnneK
Subject: RE: Live Music IDC - preliminary draft recommendations

Good afternoon Joy,

Thank you for providing your response to David. He will be on leave until 30 August so I will provide your comments to Sam Tyler, A/g director, and Anne Robinson (who is collating responses).

Kind regards,

Genevra Donne

ACT, Chief Minister's Department
 GPO Box 158, Canberra City ACT 2601
 P:(02) 6207 2384 F:(02) 6207 2386
 E: genevra.donne@act.gov.au

From: Newton, Joy
Sent: Thursday, 5 August 2010 2:06 PM
To: Whitney, David
Subject: FW: Live Music IDC - preliminary draft recommendations

David, apologies for our late reply. Trish has returned from Korea and we have gone through all the paperwork. DET comments are as follows:

1. Many items uncosted and have budget implications e.g. changes to buildings, retro fit etc. as well as some staffing costs.
2. Rehearsal venues exist e.g. schools and community spaces - it is just a question of hiring.
3. Statement 4a - agree
- * Need to contrast optimistic "grand ideas" with budget implications against achievable and workable options.

Regards,

Joy Newton

Executive Assistant to Trish Wilks
 Director
 Learning and Teaching
 ACT Department of Education & Training
 P: 620 59205
 E: joy.newton@act.gov.au

From: Wilks, Trish
Sent: Wednesday, 21 July 2010 3:29 PM
To: Newton, Joy
Subject: FW: Live Music IDC - preliminary draft recommendations

From: Wilks, Trish
Sent: Wednesday, 21 July 2010 3:29 PM
To: Blackley, Naida (ACTEDU)
Subject: FW: Live Music IDC - preliminary draft recommendations

Naida, can you please have a look and send back any comments by middle of next week. Many thanks. Joy

From: Whitney, David
Sent: Friday, 16 July 2010 5:45 PM
To: Boyer, Penny; Friend, Stuart; Cubin, Derise; Gottlieb, Catherine; Lefterys, Rish; Neil, Robert; Thorman, Rob; Walsh, Kelvin; Wilks, Trish; Pearce, Kel; thomas.bishop@act.gov.au
Cc: Featherstone, Nigel; Robinson, AnneK; Tyler, Sam; Donne, Geneva
Subject: FW: Live Music IDC - preliminary draft recommendations

"Dear IDC member,

Thank you for your ongoing contribution to the Reducing Barriers for Live Music in the ACT Inter-Departmental Committee.

Please find attached the preliminary draft recommendations for your consideration. The recommendation are based on IDC discussions and also reflect the issues raised through the two stakeholder workshops held earlier this year.

Please consult within your own departments and areas and forward your comments back to artsACT through Anne Robinson (annek.robinson@act.gov.au) by **Friday 6 August** to enable us to collate your comments and then report back to the next IDC meeting, which is set for 3-4:30pm on Tuesday 17 August.

I am about to go on annual leave for some weeks and will miss the next IDC so in the event that you have any questions or need further information, please contact Anne on 6207 2378 or Nigel Featherstone on 6207 2381."

Best wishes for the next meeting and discussion,

Cheers

David

David Whitney
Director, artsACT
Chief Ministers Department
P (02) 6207 2389 F (02) 6207 2386 E david.whitney@act.gov.au

Robinson, AnneK

From: Boyer, Penny
Sent: Thursday, 5 August 2010 5:45 PM
To: Robinson, AnneK
Subject: Education Guide

Hi Anne,

I have talked to relevant departments in CIT and we agree with the draft and are especially willing to assist artsACT to help develop an education guide for the staging of live music.

Live music education guide

- a. artsACT, in collaboration with relevant departments, to develop a guide for the staging of live music. The guide to outline the advantages of hosting live music, and provides advice on legislative and regulatory requirements, reducing the impact of music on the surrounding neighbourhood, and connecting with effective promotional networks.

Regards,
Penny

Penny Boyer

Education Manager
Centre for Creative Industries
Canberra Institute of Technology
GPO Box 826, Canberra 2601
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> Developing a skilled community

Robinson, AnneK

From: Cubin, Derise
Sent: Friday, 6 August 2010 9:40 AM
To: Robinson, AnneK
Subject: FW: Live Music IDC

Hi Anne

I have made comments on that document that Bob circulated it attached below – my input has DC after the comment.

At this stage I am uncertain if I will be able to attend the next IDC meeting – but if I cannot attend then Jon Quiggin Senior Director Compliance (ORS) will attend on my behalf but I will confirm that with you soon.

Kind regards

Derise

Derise Cubin
A/g Senior Manager
Compliance
Office of Regulatory Services
GPO Box 158 Canberra ACT 2601
Ph 6205 3732



From: Neil, Robert
Sent: Friday, 23 July 2010 3:12 PM
To: Boyer, Penny; Friend, Stuart; Cubin, Derise; Gottlieb, Catherine; Lefterys, Rish; Neil, Robert; Thorman, Rob; Walsh, vin; Wilks, Trish; Pearce, Kel; 'thomas.bishop@act.gov.au'
Cc: Featherstone, Nigel; Robinson, AnneK; Tyler, Sam; Donne, Genevra; Walters, Daniel; Dix, Rodney
Subject: Live Music IDC

IDC Members

Unfortunately I will be away for about a month from Tuesday 27/7, Daniel Walters will be able to respond on my behalf.

I have looked over the document and provided my comments in tracked changes. The draft is a good starting point but will need some considerable discussion and tightening to make it a more credible in terms of Recommendations to government.

Happy to discuss

Regards
Bob

Bob NEIL

Director
Environment Protection
Department of the Environment, Climate Change,
Energy & Water
Phone: (02) 6207 2230
Fax: (02) 6207 2316
e-mail : <mailto:robert.neil@act.gov.au>



Live Music IDC -
preliminary d...

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IDC Members

I understand the document was pulled together from the industry submissions and general discussions within the IDC Unfortunately I will be away for the next few weeks and will miss much of the discussion so I have been a bit less sympathetic than I otherwise would be. The report (I assume we will have one?) that leads into the recommendations needs to set the scene for how and why the recommendations have been arrived at.

The document and recommendations as they stand are focussed only on allowing live music and have no cursory constraints on that outcome.

There are some very broad statements in the recommendations and the IDC needs to have some basis for our recommendations – otherwise we run the risk of producing overly optimistic outcomes that will not be able to be implemented and worse still will lead to greater pressures to limit live music (eg The noise levels suggested are outrageously high and would be unacceptable in any jurisdiction. We can suggest higher levels but reason and logic needs to inform those outcomes. Similarly the requirement to improve sound attenuation in buildings, again is commendable, but to what extent? It may be more appropriate that efforts be put into soundproofing venues to constrain noise emissions rather than soundproofing parts of the city affected by the noise.) Recommendations that impact significantly on affordable housing, as these do will be heavily scrutinised.

The recommendations need to be far more constrained if the report/recommendations are to be credible and effective. Wide consultation, including public consultation are part and parcel of changing regulations and legislation so the recommendations may note a desire to change regulatory frameworks but that can only be done as part of a the normal regulatory practices.

The committee looked at reducing barriers to live music , what we currently have is recommends removing impediments to live music without due process. I have made comments and amendments in tracking mode suggesting draft recommendations reflecting more workable recommendations.

Bob

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**REDUCTION OF BARRIERS TO THE PRODUCTION OF
LIVE MUSIC IN THE ACT – PRELIMINARY DRAFT RECOMMENDATIONS
FOR IDC COMMENT**

1. ACT Government to acknowledge the cultural, economic and social importance of live music to the ACT community particularly young people.

- a. The ACT Government recognises that live music is central to the lives of many Canberrans, and that live music contributes to our rich, diverse and vibrant culture.
- b. The ACT Government acknowledges that the growing night-time economy is an important part of Canberra's economic and cultural life, particularly in Civic, Braddon and the 'town' and 'group' centres. (It seems there is empirical data to support this claim - do we have any hard data from treasury to support the statement? If not can we get it?)
- c. The Chief Minister to write to other ACT Ministers noting the importance of live music and asking them to consider the impact of any changes to legislation, regulation and policy in their respective departments and to consult with arts ACT about those impacts.
- d. Noting the national context, and the priority being placed on the importance of live music, ACT Government departments and agencies to request input from artsACT in terms of any changes to legislation, regulation and policy which may impact on live music. (arts ACT is given every opportunity to comment as part of normal Govt processes, if they don't take those opportunities, I don't believe the rest of Govt needs to change to fix that oversight. Instead I have suggested it be included in the dot point above and consequently Ministers can instruct their respective CEOs to make it happen – same outcome but removes a level of red tape in regulation).
- e. The ACT Government to regularly review the ACT Territory Plan and associated documents/guidelines to maximise the opportunities for the development of mixed night-time economies, particularly in places/precincts where live music has become a feature. (Defer to ACTPLA. If we use the term "regularly" – what do we think that means, annually, bi annually or part of normal reviews that ACTPLA undertakes?)
- f. The ACT Young People's Plan to highlight the importance of live music to young people in terms of artistic development, career opportunities, social networking and entertainment.
- g. The ACT Government to program suitable ACT-based contemporary musicians in public events, where appropriate.
- h. artsACT to work with national cultural advisory bodies to collect and collate statistics on the importance of live music to the ACT.

2. Review noise regulations

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a. The ACT Government recognises that live music does have the potential to affect residential and commercial properties and that impact needs to be managed ie patrons or noise from amplified music.(the *Liquor Bill* 2010 will place onus on the ORS to consider noise (and how that may impact on buildings, homes in the vicinity) and other elements when issuing a liquor licence/ permit – this will extent to licence and permit applications DC)

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b. The ACT Government recognises that the number of noise complaints from live music venues is comparatively low and there may be is potential for greater flexibility in the way the noise is regulated to balance the mix of live music venues and inner city living.

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a.c. The ACT Government recognises that the number of noise complaints from live music venues is comparatively low in comparison to the number of people attending live music venues and events.

b.d. The ACT Government acknowledges that the ambient noise in Canberra is low and that this has implications for community perceptions about acceptable levels of noise from live music venues.

e.e. The Environment Protection Authority-????????? to regularly advise residents in Civic and the 'town' centres that noise levels will be higher than those in suburban areas. (How do we envisage this working? Regularly advising residents is unnecessarily expansive and has budget implications. If a complaint is received the EPA notifies affected residents that they can expect more noise in city areas because there is a higher noise limit than that which applies in areas that are residential only. It is at point of sale when people need to understand the noise limits that apply in the City are higher than in the suburbs – so this needs to be done during that process. I'm unsure of the best mechanism to facilitate that but I would suggest it is at some point in the planning/leasing process and I defer to others as to the best way to make that happen?

f. The ACT Government to review relevant Environmental Protection legislation, regulation and policy to ensure a balance between the needs of the community and the needs of individuals and to consider as part of this review:

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▫ The time restrictions on live music noise emissions (how are you to distinguish between live music and all other forms of music or noise sources A/C systems) – People noise generates a lot of issues for the ORS re complaints about licensed premises DC

▫ The appropriateness of the ACT noise standards

▫ Consider as part of this review the weight attached to one complainant making multiple complaints about one venue versus broader community benefit provided by that venue. (this is a bit specific I think it is about a single business benefit versus community benefit)

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▫ the "polluter pays" principle.

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e. The ACT Government agrees to change the noise limits as follows:

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- ~~Civic Centre and Braddon 90dB(A) 24 hours~~
- ~~Town Centres 80dB(A) till midnight Sun-Thur 3am Fri-Sat [60dB(A) other times]~~
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f.g. The ACT Government ensures, through legislation, noise that noise attenuation measures are mandatory in the construction of new buildings and the retro-fitting of existing buildings, including change-of-purpose situations.

g.h. The ACT Government notes the close link between improved energy saving and noise attenuation and considers ways of promoting noise attenuation as part of energy-saving advertising.

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3. *Rehearsal hubs and music venues*

- a. The ACT Government recognises that a vibrant contemporary music culture in Canberra requires a wide variety of venues, including private bars, cafes, outdoor venues/spaces, halls for hire, festivals and public venues.
- b. The ACT Government recognises that adequate rehearsal is an important component of the live music industry and that provision of designated rehearsal spaces would be advantageous.
- c. artsACT, in partnership with relevant departments, to establish rehearsal venues in northern, central and southern Canberra using existing government facilities such as schools and works depots.
- d. When building new community and related facilities, the ACT Government ensures appropriate design and fit-out – including appropriate noise attenuation – allows for use as a live music rehearsal and/or performance venue.

4. *Live music education guide*

- a. artsACT, in collaboration with relevant departments, to develop a guide for the staging of live music. The guide to outline the advantages of hosting live music, and provides advice on legislative and regulatory requirements, reducing the impact of music on the surrounding neighbourhood, and connecting with effective promotional networks.

5. *Advocacy*

- a. The ACT Government to establish an industry development officer to support ACT live music, particularly in the context of fostering economic growth.
- b. artsACT to encourage key people within the live music industry to continue to meet and discuss the needs of the industry and to investigate of working collaboratively.

6. *Advertising live music events*

- a. The ACT Government to install appropriately designed bollards/noticeboards at shopping centres and bus-stops, and to continue providing noticeboards as a key element of shopping centre upgrades.

7. *Transport*

The ACT Government to investigate the provision of public and/or private transport to and from live music venues, including the possibility of a 'nightrider' service operating at peak times. The proposed liquor act and regulation have placed an onus on liquor licensees to consider a number of factors including available transport to patrons - whether or not this will be passed or whether or not it will stimulate 'transport' options other than taxis is yet to be determined (DC)

a.

8. *Liquor Act*

- a. The ACT Government acknowledges that live music often occurs in licensed venues and works to ensure that the proposed changes to the ACT Liquor Act are sensitive to the needs of the music industry and do not pose administrative and/or financial barriers to the operation of live music venues. The proposed liquor act and regulation seek to minimise harm and promote community safety principles in relation to the sale of liquor. Under the Act (if passed as is) the liquor licence fee will be determined by risk -which in turn aligns with premise opening hours. If licensed premise intend to shut before midnight they will be deemed low risk, between 12am - 2am (med risk) and up to 5am high risk - the licensee fee will be based on the risk factor - there will be no barrier to live music (as it will not be considered a contributing factor in the 'risk' determination) however, the licensee will still be bound by the fee structure whether or not they have live music (DC)

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Robinson, AnneK

From: Neil, Robert
Sent: Friday, 23 July 2010 3:12 PM
To: Boyer, Penny; Friend, Stuart; Cubin, Derise; Gottlieb, Catherine; Lefterys, Rish; Neil, Robert; Thorman, Rob; Walsh, Kelvin; Wilks, Trish; Pearce, Kel; 'thomas.bishop@act.gov.au'
Cc: Featherstone, Nigel; Robinson, AnneK; Tyler, Sam; Donne, Genevra; Walters, Daniel; Dix, Rodney
Subject: Live Music IDC
Follow Up Flag: Follow up
Flag Status: Flagged

IDC Members

Unfortunately I will be away for about a month from Tuesday 27/7, Daniel Walters will be able to respond on my behalf.

I have looked over the document and provided my comments in tracked changes. The draft is a good starting point but need some considerable discussion and tightening to make it a more credible in terms of Recommendations to government.

Happy to discuss

Regards
Bob

Bob NEIL

Director
Environment Protection
Department of the Environment, Climate Change,
Energy & Water
Phone: (02) 6207 2230
Fax: (02) 6207 2316
mail : <<mailto:robert.neil@act.gov.au>>



Live Music IDC -
preliminary d...

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IDC Members

I understand the document was pulled together from the industry submissions and general discussions within the IDC Unfortunately I will be away for the next few weeks and will miss much of the discussion so I have been a bit less sympathetic than I otherwise would be. The report (I assume we will have one?) that leads into the recommendations needs to set the scene for how and why the recommendations have been arrived at.

The document and recommendations as they stand are focussed only on allowing live music and have no cursory constraints on that outcome.

There are some very broad statements in the recommendations and the IDC needs to have some basis for our recommendations – otherwise we run the risk of producing overly optimistic outcomes that will not be able to be implemented and worse still will lead to greater pressures to limit live music (eg The noise levels suggested are outrageously high and would be unacceptable in any jurisdiction. We can suggest higher levels but reason and logic needs to inform those outcomes. Similarly the requirement to improve sound attenuation in buildings, again is commendable, but to what extent? It may be more appropriate that efforts be put into soundproofing venues to constrain noise emissions rather than soundproofing parts of the city affected by the noise.) Recommendations that impact significantly on affordable housing, as these do will be heavily scrutinised.

The recommendations need to be far more constrained if the report/recommendations are to be credible and effective. Wide consultation, including public consultation are part and parcel of changing regulations and legislation so the recommendations may note a desire to change regulatory frameworks but that can only be done as part of a the normal regulatory practices.

The committee looked at reducing barriers to live music , what we currently have is recommends removing impediments to live music without due process. I have made comments and amendments in tracking mode suggesting draft recommendations reflecting more workable recommendations.

Bob

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**REDUCTION OF BARRIERS TO THE PRODUCTION OF
LIVE MUSIC IN THE ACT – PRELIMINARY DRAFT RECOMMENDATIONS
FOR IDC COMMENT**

1. *ACT Government to acknowledge the cultural, economic and social importance of live music to the ACT community particularly young people.*
 - a. The ACT Government recognises that live music is central to the lives of many Canberrans, and that live music contributes to our rich, diverse and vibrant culture.
 - b. The ACT Government acknowledges that the growing night-time economy is an important part of Canberra's economic and cultural life, particularly in Civic, Braddon and the 'town' and 'group' centres. (It seems there is empirical data to support this claim - do we have any hard data from treasury to support the statement? If not can we get it?)
 - c. The Chief Minister to write to other ACT Ministers noting the importance of live music and asking them to consider the impact of any changes to legislation, regulation and policy in their respective departments and to consult with arts ACT about those impacts.
 - d. Noting the national context, and the priority being placed on the importance of live music, ACT Government departments and agencies to request input from artsACT in terms of any changes to legislation, regulation and policy which may impact on live music. (arts ACT is given every opportunity to comment as part of normal Govt processes, if they don't take those opportunities, I don't believe the rest of Govt needs to change to fix that oversight. Instead I have suggested it be included in the dot point above and consequently Ministers can instruct their respective CEOs to make it happen – same outcome but removes a level of red tape in regulation).
 - e. The ACT Government to regularly review the ACT Territory Plan and associated documents/guidelines to maximise the opportunities for the development of mixed night-time economies, particularly in places/precincts where live music has become a feature. (Defer to ACTPLA. If we use the term "regularly" – what do we think that means, annually, bi annually or part of normal reviews that ACTPLA undertakes?)
 - f. The ACT Young People's Plan to highlight the importance of live music to young people in terms of artistic development, career opportunities, social networking and entertainment.
 - g. The ACT Government to program suitable ACT-based contemporary musicians in public events, where appropriate.
 - h. artsACT to work with national cultural advisory bodies to collect and collate statistics on the importance of live music to the ACT.

2. *Review noise regulations*

a. The ACT Government recognises that live music does have the potential to affect residential and commercial properties and that impact needs to be managed ie patrons or noise from amplified music.

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b. The ACT Government recognises that the number of noise complaints from live music venues is comparatively low and there may be is-potential for greater flexibility in the way the noise is regulated to balance the mix of live music venues and inner city living.

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e.c. The ACT Government recognises that the number of noise complaints from live music venues is comparatively low in comparison to the number of people attending live music venues and events.

b.d. The ACT Government acknowledges that the ambient noise in Canberra is low and that this has implications for community perceptions about acceptable levels of noise from live music venues.

e.e. The Environment Protection Authority ??????? to regularly advise residents in Civic and the 'town' centres that noise levels will be higher than those in suburban areas. (How do we envisage this working? Regularly advising residents is unnecessarily expansive and has budget implications. If a complaint is received the EPA notifies affected residents that they can expect more noise in city areas because there is a higher noise limit than that which applies in areas that are residential only. It is at point of sale when people need to understand the noise limits that apply in the City are higher than in the suburbs – so this needs to be done during that process. I'm unsure of the best mechanism to facilitate that but I would suggest it is at some point in the planning/leasing process and I defer to others as to the best way to make that happen?

f. The ACT Government to review relevant Environmental Protection legislation, regulation and policy to ensure a balance between the needs of the community and the needs of individuals and to consider as part of this review:-

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- The time restrictions on live music noise emissions (how are you to distinguish between live music and all other forms of music or noise sources A/C systems)
- The appropriateness of the ACT noise standards
- Consider as part of this review the weight attached to one complainant making multiple complaints about one venue versus broader community benefit provided by that venue. (this is a bit specific I think it is about a single business benefit versus community benefit)
- the "polluter pays" principle.

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e. The ACT Government agrees to change the noise limits as follows:

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f.g. The ACT Government ensures, through legislation, ~~noise that~~ noise attenuation measures are mandatory in the construction of new buildings and the retro-fitting of existing buildings, including change-of-purpose situations.

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g.h. The ACT Government notes the close link between improved energy saving and noise attenuation and considers ways of promoting noise attenuation as part of energy-saving advertising.

3. *Rehearsal hubs and music venues*

- a. The ACT Government recognises that a vibrant contemporary music culture in Canberra requires a wide variety of venues, including private bars, cafes, outdoor venues/spaces, halls for hire, festivals and public venues.
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- c. artsACT, in partnership with relevant departments, to establish rehearsal venues in northern, central and southern Canberra using existing government facilities such as schools and works depots.
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- a. artsACT, in collaboration with relevant departments, to develop a guide for the staging of live music. The guide to outline the advantages of hosting live music, and provides advice on legislative and regulatory requirements, reducing the impact of music on the surrounding neighbourhood, and connecting with effective promotional networks.

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- a. The ACT Government to establish an industry development officer to support ACT live music, particularly in the context of fostering economic growth.
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6. *Advertising live music events*

- a. The ACT Government to install appropriately designed bollards/noticeboards at shopping centres and bus-stops, and to continue providing noticeboards as a key element of shopping centre upgrades.

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- a. The ACT Government to investigate the provision of public and/or private transport to and from live music venues, including the possibility of a 'nightrider' service operating at peak times.

8. *Liquor Act*

- a. The ACT Government acknowledges that live music often occurs in licensed venues and works to ensure that the proposed changes to the ACT Liquor Act are sensitive to the needs of the music industry and do not pose administrative and/or financial barriers to the operation of live music venues.

Robinson, AnneK

From: Walsh, Kelvin
Sent: Friday, 30 July 2010 3:05 PM
To: Featherstone, Nigel; Robinson, AnneK
Cc: Beer, Christopher; Neal, Colleen
Subject: Live Music IDC - preliminary draft recommendations

Ann, Nigel

I refer to David Whitney's email of 16 July 2010 requesting comments on the Draft Preliminary Recommendations of the Reducing Barriers for Live Music in the ACT IDC. We have reviewed the documents and offer the following comments on the draft recommendations for your consideration:

1 (e) The ACT Government to regularly review the ACT Territory Plan and associated documents/guidelines to maximise the opportunities for the development of mixed night-time economies, particularly in places/precincts where live music has become a feature.

We propose the following alternative wording: 'In the context of the current review of the Territory Plan the ACT Government will seek to identify opportunities to improve planning regulations relating to Canberra's night-time economy, particularly in places/precincts where live music has become a feature'.

2(e) The ACT Government agrees to change the noise limits as follows:

- Civic Centre and Braddon 90dB(A) 24 hours
- Town Centres 80dB(A) till midnight Sun-Thur 3am Fri-Sat [60dB(A) other times]
- Group Centres 70dB(A) till midnight Sun-Thur 3am Fri-Sat [50dB(A) other times]
- Local Centres 60dB(A) till midnight Sun-Sat [45dB(A) other times]

The proposed limits seem, on the face of the increase, high and the periods (i.e. until 3am) seem quite long (perhaps 1am might be more appropriate?). The proposed 90dB(A) standard (vs. the current standard of 60dB(A) – keeping in mind that decibels are measured in logarithmic fashion – as a 300% increase in permitted loudness) for Civic and Braddon in particular seems excessive. I am advised that OH&S standards in NSW for example provide that employees should not be exposed to noise levels in excess of 85 dB(A) over an eight hour shift (by comparison the maximum period for safe exposure at 100dB(A) is 15 minutes).

Further, any special policies for Braddon should be limited to the CZ 3 areas around Lonsdale and Mort streets and not apply elsewhere in the suburb. Overall, major changes may have very significant impacts on residential amenity within centres, with consequent flow-on effects on demand for housing in these locations, and ultimately the achievement of ACTPLA's strategic planning objectives for the location of new residential development.

2(f) The ACT Government ensures through legislation that noise attenuation measures are mandatory in the construction of new buildings and the retro-fitting of existing buildings, including change-of-purpose situations.

We suggest the following alternative wording: 'The ACT Government will, through the Planning and Development Act and the Building Act, ensure that within commercial centres appropriate noise attenuation measures are mandatory in the construction of new buildings along with the retro-fitting or change-of-use of existing buildings'.

I look forward to seeing the draft recommendations and discussing this matter with you further at the next IDC meeting.


Please do not hesitate to contact me if you require additional information or wish to discuss this matter further.

Kind regards

Kelvin.

Kelvin Walsh

Director Planning Services
ACT Planning and Land Authority
telephone 02 6207 1950
e-mail kelvin.walsh@act.gov.au

 Please respect the environment and think about the impact of printing this email.

From: Whitney, David

Sent: Friday, 16 July 2010 5:45 PM

To: Boyer, Penny; Friend, Stuart; Cubin, Derise; Gottlieb, Catherine; Lefterys, Rish; Neil, Robert; Thorman, Rob; Walsh, Kelvin; Wilks, Trish; Pearce, Kel; thomas.bishop@act.gov.au

Cc: Featherstone, Nigel; Robinson, AnneK; Tyler, Sam; Donne, Geneva

Subject: FW: Live Music IDC - preliminary draft recommendations

"Dear IDC member,

Thank you for your ongoing contribution to the Reducing Barriers for Live Music in the ACT Inter-Departmental Committee.

Please find attached the preliminary draft recommendations for your consideration. The recommendation are based on IDC discussions and also reflect the issues raised through the two stakeholder workshops held earlier this year.

Please consult within your own departments and areas and forward your comments back to artsACT through Anne Robinson (annek.robinson@act.gov.au) by **Friday 6 August** to enable us to collate your comments and then report back to the next IDC meeting, which is set for 3-4:30pm on Tuesday 17 August.

I am about to go on annual leave for some weeks and will miss the next IDC so in the event that you have any questions or need further information, please contact Anne on 6207 2378 or Nigel Featherstone on 6207 2381."

Best wishes for the next meeting and discussion,

Cheers

David

David Whitney
Director, artsACT
Chief Ministers Department
P (02) 6207 2389 F (02) 6207 2386 E david.whitney@act.gov.au

Robinson, AnneK

250

From: Whitney, David
Sent: Friday, 16 July 2010 5:45 PM
To: Boyer, Penny; Friend, Stuart; Cubin, Derise; Gottlieb, Catherine; Lettys, Rish; Neil, Robert; Thorman, Rob; Walsh, Kelvin; Wilks, Trish; Pearce, Kel; thomas.bishop@act.gov.au
Cc: Featherstone, Nigel; Robinson, AnneK; Tyler, Sam; Donne, Genevra
Subject: FW: Live Music IDC - preliminary draft recommendations
Attachments: Live Music IDC - preliminary draft recommendations.doc
Follow Up Flag: Follow up
Flag Status: Flagged

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David

David

David Whitney
Director, artsACT
Chief Ministers Department
P (02) 6207 2389 F (02) 6207 2386 E david.whitney@act.gov.au

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1. ACT Government to acknowledge the cultural, economic and social importance of live music to the ACT community particularly young people.

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Simon Corbell MLA

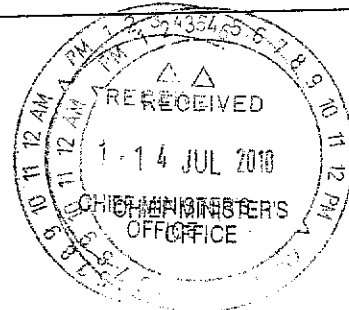
ATTORNEY GENERAL

MINISTER FOR THE ENVIRONMENT, CLIMATE CHANGE AND WATER

MINISTER FOR POLICE AND EMERGENCY SERVICES

MINISTER FOR ENERGY

MEMBER FOR MOLONGLO



Mr Jon Stanhope MLA
Chief Minister
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Dear Chief Minister

Thank you for your letter of 24 May 2010 regarding supporting live music. I apologise for the delay in responding.

I recognise the need for the ACT Government to be pro-active in the support and encouragement of live music in Canberra, however, we also need to be cognisant of the potential ramifications should there be an easing of noise standards in Civic and other town centres.

As you are aware the issue of live music in the ACT is currently being considered by an ACT Government Inter Departmental Committee (Live Music IDC). This committee is to report back to the Government with recommendations by the end of the year and it would be premature at this stage to pre-empt their work, especially with changes to noise standards which have the potential to affect a significant number of existing residents.

There are also three other processes currently occurring which will inform the work of the Live Music IDC and therefore the ACT Government's approach to managing this issue. The ACT Planning and Land Authority are currently undertaking a staged review of the policy content of the Territory Plan's commercial zones which includes a recently circulated background paper on the ACT's Night Time Economy, the Office of Regulatory Services has recently reviewed the *Liquor Act 1975* and the Standing Committee on Planning, Public Works and Territory and Municipal Services is undertaking an inquiry into Live Community Events.

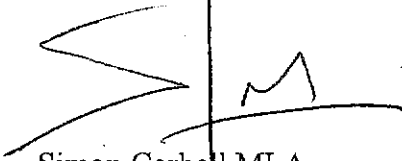
The Environment Protection Authority (the Authority), which is responsible for the administration of the *Environment Protection Act 1997* in which noise zones are established, has indicated its support for your proposal. The Authority has requested that prior to an amendment to the Environment Protection Regulations (the Regulations), the Government consider the outcomes from the above processes as they will inform the development of policy change, ensuring a balanced approach to the staging of live music so all sectors of the community, including businesses and residents are considered.

ACT LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601

In anticipation of the recommendations to Government from the Live Music IDC I have directed my Department to commence drafting the amendments to the Regulations including the preparation of a consultation and communications strategy.

Yours sincerely

A handwritten signature in black ink, appearing to be 'S. Corbell', written over a vertical line that serves as a separator between the signature and the typed name below.

Simon Corbell MLA
Minister for the Environment, Climate Change and Water
13 July 2010



SUBMISSION TO THE INQUIRY INTO LIVE MUSIC IN THE ACT

June 2010

Contents

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1 Who is the Canberra Musicians Club?	3
2 Live Music in Canberra	4
3 Key issues	6
4 Possible approaches to address these issues	7
5 Issues for the CMC as a Club	11
Appendix A Response to Assembly resolution and inquiry Terms of Reference	13

On behalf of Canberra Musicians Club members

by letter level on out

Suggested Actions

The CMC has proposed a dozen actions which are referenced from within the submission.

- 1 Government to **recognise the significant role live music** plays in the cultural life and the economy of the ACT and commit to active support and removal of barriers to live music.
- 2 Government commission a study to **investigate the financial contribution of live music** to the ACT economy.
- 3 **Apply the principle of order of occupancy** as a matter of urgency in areas such as the City and Braddon, where residential developments are planned near existing venues, and also at EPIC. However note its limitations in that it does not help new venues to open after residential development has occurred.
- 4 **Sound proofing**
 - 4.1 Best practice **sound proofing should become a requirement in new residential developments in commercial areas** as a matter of urgency for example in Braddon and the City.
 - 4.2 With existing conflict, **onus should be on the residential development to retrospectively soundproof their building** eg the Waldorf. Government could assist with acoustic advice and rebate to assist building owners and venue operators.
- 5 Planning authorities develop and implement a policy to **encourage the development of night life precincts** to avoid future conflicts, including a review of zoning.
- 6 **Identify potential community venues** and cost estimates to bring these up to standard eg through sound proofing. Government should ensure that all suitable community facilities currently meeting the needs of live music in Canberra are retained.
- 7 Provide a **program of support for emerging musicians** possibly including small grants to allow local musicians to tour, a battle of the bands type program with an opportunity to perform at a festival like Indyfest, or to record and promote a CD. Also promote technical skills such as sound and lighting.
- 8 Encourage greater **transport coordination between event organisers, and bus and taxi companies** to develop a more flexible and responsive late night service.
- 9 Provide **funding for a coordinator** to help implement some of the proposed actions.
- 10 Government to develop a policy on **insurance for live music events**, particularly in its own venues and public open space, recognising the role that the CMC currently plays.
- 11 CMC to liaise with Government to ensure that our bar **volunteers receive appropriate training with changes to the Liquor Act** at a reasonable cost.
- 12 Government should continue to **liaise the ACT Live Music Industry Forum** or any new group that may emerge.

canberra musicians club

play listen develop support

1 Who is the Canberra Musicians Club?

The Chief Minister Jon Stanhope launched the Canberra Musicians Club (CMC) at a gala event at the Albert Hall in September 2008. The Club was established after a series of backyard musical events, held for a number of years to showcase local music, began to outgrow their backyard setting. The growing popularity of these events highlighted a huge unmet need in Canberra, both for local musicians to perform to appreciative audiences and for audiences to seek out and enjoy high quality live music.

The CMC aims and objectives are:

- Cultural enrichment of musicians and music lovers in the ACT and surrounding region
- Development of new musical and cross – cultural arts events
- Commitment to developing the potential of young musicians and those persons socially disadvantaged within the community

Over the last two years the club has held about 95 events, both in its own right and at venues such as Corroboree Park Hall and McGregor Hall, and in association with other events and venues for example with Corinbank and Summer Rhythms festivals, and at the Street Theatre, the Front, Hippo bar and Phoenix.

Depending on the nature of the events, we are able to organise venues, line up of performers, promotion, sound equipment and insurance cover. We also coordinate volunteers to run the door and bar and to set up and clean up. During 2010 we have been running major events that attract hundreds of people on most weekends, as well as regular midweek music sessions in various bars. Some of our events raise thousands of dollars for the musicians and also worthy causes such as the recent Lifting Lily fundraiser.

We have over 80 local bands on our register, around 280 paid up club members and a Facebook group of over 630. Associated with the Club is Culturazi, a weekly electronic update of live music events in Canberra with a mailing list of over 1,200.

The CMC supports live music throughout the ACT and region and has raised a number of city wide issues in this submission. However, as a community based group reliant on a small group of volunteers, we tend to focus our activities in the inner north where many of our members live. Therefore this submission also focuses on issues in the City and inner north and on issues for us as a Club (CMC issues outlined in **Section 5**).

Being a not for profit community group with limited resources, locating an affordable permanent home continues to be a major challenge. Noise is also a recurring issue and barrier for all types of live music as outlined in **Section 3.1**.

The CMC welcomes this opportunity to provide input to the Legislative Assembly Inquiry and also to participate in the recent ACT Live Music Industry Forum. The issues raised in this submission are consistent with those raised in the Industry Forum, and we look forward to the Government's response to these issues. There are indications that a Music Industry Group may emerge from these consultations and we urge the Government to continue to liaise with this group (*Action 12*).

The CMC is keen to work with Government to achieve shared objectives of promoting local and live music in Canberra.

2 Live Music in Canberra

Canberra is currently experiencing a dynamic emergence of live music. The CMC is privileged to be able to work with such a talented, enthusiastic and cooperative group of musicians.

The vibrant live music scene that is emerging is adding to the cultural life of Canberra, it is helping to keep creative people here and is building on the work of educational institutions, for example The School of Music and events management courses at CIT.

Live music contributes to a creative city and a more livable, innovative and prosperous city. This contributes to developing a virtuous cycle where highly skilled people are attracted to the ACT, who in turn reinforce the growth in productivity and prosperity.

Live music also contributes significantly to the economic life of Canberra. This includes employment of musicians, teachers, instrument retailers, venue staff, promoters and people providing food and beverages and transport. A suggestion at the Industry Forum was for the Government to commission a study into the financial contribution and benefits of local live music to the ACT economy (*Action 2*).

With strategic support and removal of barriers, Canberra could become a unique centre for music, in a similar way that Canberra has become an internationally recognised centre for glassworkers.

However the live music scene in Canberra is facing a number of immediate challenges, particularly the growing conflict between live music and encroaching residential development, and increasingly a lack of suitable venues.

High level support and direction is required to address these issues. The Government, and Assembly as a whole, should:

- Explicitly recognise the significant role live music plays to the cultural life and economy of the ACT
- Commit to active support and removal of barriers to live music (*Action 1*).

The value of live music should be considered when decisions on land use, planning and building controls are being made, along with other considerations such as short term financial return and meeting demands for residential development.

There is a spectrum of live music activities in Canberra ranging from large scale events, through to emerging bands practicing in garages in the suburbs, as outlined in **Table 1**.

Each of these face a range of issues, but consistent across them all are:

- noise issues
- a lack of appropriate venues
- transport options.

Each of these types of music activity will require different responses ranging from assisting in making venues available, developing a small grants program, assessing transport options, through to sound proofing and zoning.

Table 1 The spectrum of live music in Canberra and related issues

Type of event/ venue	Description	Potential issues	Possible actions
Large infrequent events and festivals	<p>Examples: National Folk Festival, Corinbank, Trackside, Foreshore, and the recent Grooving the Moo.</p> <p>Featuring bands from interstate or overseas but can also provide an opportunity for local musicians to play before large local audiences.</p> <p>For example, the Fringe Majestic at 2010 National Folk Festival and Corinbank have been popular venues for local artists.</p>	<p>Noise complaints eg the recent Grooving the Moo at Uni of Canberra – and events at EPIC (from North Watson residents).</p> <p>These will increase with encroaching residential developments</p>	<ul style="list-style-type: none"> - Maintain a buffer eg around EPIC as new Gungahlin suburbs encroach. Appropriate land uses would include open space, school, commercial or industrial. - Require sound proofing in homes in adjacent developments, and use berms or sound walls if necessary - Apply principles of order of occupancy so people moving in are aware that there may be noise periodically.
Regular venues for live music	<p>This includes Street Theatre, ANU bar and other licensed venues such as the Front, Transit, Phoenix, George Harcourt Inn, Trinity, the Basement.</p>	<p>Issues of noise</p> <p>Size of many of these venues limits the size of the audience and financial viability of providing live music.</p>	<ul style="list-style-type: none"> - Provide assistance for appropriate sound proofing for venues and residences. - Zoning and order of occupancy to avoid conflict between residents and music venues
Community Halls for irregular events and rehearsals	<p>eg Scout Halls, Corroboree Park Hall.</p> <p>The CMC has over the last year hosted local and interstate bands at McGregor Hall. There is a high demand for this facility because it is larger than most commercial live music venues</p>	<p>Lack of rehearsal space and venues</p> <p>Noise complaints</p>	<ul style="list-style-type: none"> - Identify under utilised public buildings and assess needs to make them suitable venues eg sound proofing. - Maintain existing community facilities (issue highlighted by plans to demolish McGregor Hall)
Performance spaces and programs in the suburbs	<p>Support for local music to flourish in the suburbs, eg for young people who are ready to move out of the garage and start performing to a local audience.</p> <p>This requires rehearsal and performance spaces.</p>	<p>Lack of venues,</p> <p>Lack of opportunities to perform</p> <p>Noise complaints</p> <p>Transport, especially for younger people unable to drive</p>	<ul style="list-style-type: none"> - Assist in providing rehearsal spaces / venues, with sound proofing if required - Link with schools and school curricular to support battle of bands type program, possibly associated with festivals like Indyfest - Develop a grants program for emerging musicians to travel and perform - Explore after hours transport options

3 Key Issues

3.1 Noise and shortage of venues

Noise complaints have impacted on many live music venues in Canberra over a number of years, and this trend is set to get worse with the increase in residential developments in commercial areas. Live music venues that have closed, where noise has been a major contributing factor, include The Asylum, The Terrace Bar, The Gypsy Bar, Toast in the city, and the Trinity Block Party in Dickson which was held to raise money for charity.

Currently Transit Bar in the City, The George Harcourt Inn in Nicholls, and Suburban in Dickson are facing complaints due to conflicts with residential developments.

Some community halls that have traditionally been used as live music venues are also becoming less viable, for example Corroboree Park Hall which now has noise restrictions, effectively closing the venue after 10pm. McGregor Hall in the City is set to be demolished, currently without an alternative venue for the diverse community groups that are using the hall.

The conflict between residential development and music venues includes permanent residences and temporary serviced apartments such as the Waldorf in the city. The Waldorf was instrumental in closing down Toast and has now initiated an active campaign against the Transit Bar, which is an important (and award winning) venue for live music in the City.

This threat to live music, and an active street life in general, is set to escalate. Changes in zoning will allow for residential development in a previously commercial and light industrial area in Braddon. There are also plans for serviced apartments, hotels and residential developments across London Circuit from the Sydney and Melbourne Buildings. Conflict is inevitable, not only due the impact of the music itself, but from patrons leaving afterwards and the sound of glass collection and street cleaning early in the mornings.

While fully supporting higher density living in our inner areas, it is important that some areas be allowed to develop as lively night life precincts, free of residential development (discussed further in **Section 4.3**)

Another issue in the inner north is that many of the informal venues, such as garages in group houses are becoming less available due to increasing rents and demolition. Many larger houses, with backyard garages are being replaced with units. This both removes the venue, and also brings neighbors closer together, creating potential conflict over noise.

As an example, the Pedestrian Orchestra sessions in O'Connor, which have been great incubators of live music in Canberra over a long period, have recently concluded because the group house (and garage) is to be demolished to make way for units.

This trend creates even more pressure on remaining community facilities.

3.2 Lack of support for musicians to stay in Canberra

The increasingly limited number of venues for emerging musicians to play is contributing to a loss of talented musicians from Canberra. Many of the venues that do exist are not large enough to perform to a decent sized audience and to make events financially viable.

Generally there is not enough diversity of venues in Canberra, or the critical mass, for up and coming musicians to stay in the ACT, even though many would like to because of the unique and supportive music community that does exist here.

3.3 Transport

Transport to and from venues after hours is a critical issue, particularly for young people who are unable to drive.

There were reports at the Industry Forum of people having to leave venues before the band had finished, in order to catch the last bus.

4 Possible approaches to address these issues

4.1 Order of Occupancy legislation

Order of Occupancy Legislation has been floated as a way of addressing the issue of people moving into an area where noise already exists. This would limit the right of newcomers to complain about existing activities. This principle should be applied as a matter of urgency in areas such as the City, Braddon, and Belconnen Town Centre, where residential developments are planned near existing venues, and at EPIC (*Action 3*).

However the concept of order of occupancy is flawed in a number of ways:

- As demonstrated in other cities, people move into areas wanting to be close to the vibrant inner city lifestyle but once they move in, some will then complain about the noise. There are interstate examples where people have actually signed documents to acknowledge that they are moving into a noisy area, yet soon after moving in, start to complain. It is also difficult to bind subsequent owners or tenants to any original understanding or agreement.
- Even if order of occupancy was to allow existing businesses to remain, it may not allow for a lively precinct to evolve over time. Any new proposals for music venues to be established after residential development occurs will be met with objections. A good example is Suburban in Dickson, where the use has changed from a restaurant to a bar and music venue. The nearby residents have started to complain, and they have every right to be annoyed at this change of use. It would have been far better to avoid the conflict in the first place, and in this case to have identified the inner core of Dickson as an area where a night time economy can develop (see **Section 4.3**).

4.2 Sound proofing

It is possible to block much of the noise from music venues with sound proofing measures, and in addition provide energy efficiency benefits (eg double glazing and insulation). Best practice sound proofing should become a requirement in all new residential developments in commercial areas as a matter of urgency for example Braddon and the City blocks on London Circuit (*Action 4.1*). Without strict requirements, developers are unlikely to implement such measures and there will be more conflicts such as the Waldorf.

With existing inner city problems like the Waldorf, the onus should be on the residential development to retrospectively soundproof their building as much as it should be a requirement on the venues to reduce noise. Government could play a role in resolving existing conflicts, through assisting with acoustic advice and providing some sort of rebate for complaining building owners and also to support the venue operators (*Action 4.2*).

Nevertheless, there are limitations to the approach of requiring sound proofing, and in some ways it is already too late. For example, all residents should be able to have access to natural ventilation for health and comfort and for energy efficiency. On warm summers' evenings, residents should be able to open the window, rather than depend on air conditioning. Likewise, patrons at music venues should be free to spill onto the streets. To avoid conflict, zoning for defined precincts would be a better approach than relying only on sound proofing.

In greenfield areas such as EPIC, or the George Harcourt Inn there may be other approaches to dealing with sound such as earth berms or sound walls, in addition to requiring sound proofing in encroaching housing and at the venues.

4.3 Night life precincts

Canberra has an unfortunate reputation amongst visitors and new comers for being a dull and lifeless place. We should be thinking at least 20 or 30 years ahead and planning for several precincts where a night time economy is able to thrive with restaurants, bars and nightclubs, and where there is also a diversity of businesses, services and employment opportunities (as occurs in Braddon currently). In this way locals and people who visit the National capital can go somewhere to find a lively environment.

Precincts for live music and a night time economy should be encouraged to develop in areas (such as Braddon, Dickson, Manuka / Kingston, and eventually in town centres like Woden, Belconnen and Tuggeranong, with a pre-eminent nightlife precinct in Civic. Residential development could be encouraged on the fringe of these zone, just a few minutes walk away. A precinct for major events should also be protected from residential encroachment at EPIC.

There is a current belief in some planning circles that zoning for different activities is unfashionable. There is a view that mixing land uses up will result in a more lively city. However there is a risk that residential development can sterilise commercial and industrial areas and that we end up losing out on a diversity of employment, services and entertainment. This is a real risk in parts of Braddon.

It is important to identify compatible land uses, for example live music can thrive directly alongside light industry, commercial and office developments, schools or community uses. Conflicts are however likely to occur between residential developments, and entertainment venues or light industry. The conflict between residential developments and long established live music venues has been demonstrated in cities around Australia, and led to recent major demonstrations in Melbourne.

Planning authorities (ACTPLA and in some places the National Capital Authority) should develop and implement a policy that actively encourages the development of night life precincts to avoid future conflicts, including the use of zoning (*Action 5*)

4.4 Identify and provide suitable venues

To address the increasing shortage of suitable venues, under utilised public buildings should be identified (*Action 6*). This could include potential community venues for all-age music events in the City and town centres.

An analysis of community needs should also be conducted including consultation with the Live Music Forum. An assessment could then be carried out of what should be done to make available buildings suitable to meet these needs eg sound proofing. The needs assessment may also identify that new and additional facilities are required in some parts of Canberra.

The Government should ensure that all suitable existing community facilities that are currently meeting the needs of live music in Canberra are retained eg the issue highlighted by plans to demolish McGregor Hall.

4.5 Programs to support and mentor local musicians

In order to encourage musicians to stay, and return to Canberra, the Government (possibly with industry and tertiary institutions) could provide a program of support for emerging musicians (*Action 7*). This could include for example:

- Small grants to allow local musicians to tour, as suggested at the Industry Forum. They could play with interstate musicians and return to Canberra to share the benefit of that experience, possibly bringing some of the interstate musicians to Canberra to perform, adding to the diversity of Canberra's music scene.
- Assistance to provide rehearsal spaces, and performance venues in the suburbs for emerging bands (linked to **Section 4.4** above).
- A battle of the bands type program, possibly linking in with schools' curriculum. Rewards could include being able to perform to an audience at a festival like Indyfest, or possibly assist emerging musicians to make and promote a CD.
- Support to develop recording facilities, for example in association with CIT and / or the School of Music

4.6 Transport

Addressing the issue of late night transport (*Action 8*) could require Government support for a service that may not be financially viable, but would meet other social objectives (eg inclusion for all age events).

Improving late night transport would also require greater communication and coordination between event organisers, even of smaller scale events in the city and town centres. (This communication could have other benefits such as avoiding clashing events).

Coordination would be required with ACTION buses and /or private operators, to ensure a flexible and responsive service depending on the nature of various events for example on a Friday or Saturday night.

Consultation with taxi companies could identify options for shared late night taxi hire, possibly in association with venues.

Transport efficiency is another reason why venues are best clustered into precincts.

4.7 Support a coordination role

Government could consider establishing and resourcing an advisory forum to help implement some of the proposed activities listed above.

Funding could also be provided for a coordinator. The position could possibly be part time, and either based within Government or linked with one or more community groups (*Action 9*).

Some of the roles of the coordinator could include for example, transport coordination, mentoring and support programs, event promotion, identifying suitable venues and sound proofing assistance.

5 Issues for the CMC as a club

5.1 Finding a home

The lack of suitable venues in the Inner North is a major issue for the CMC and other community groups involved in live music, dance and other cultural activities. The CMC has listed the criteria for a suitable venue to meet our needs. These include:

- A large enough area to hold at least 300 people, with a stage and dance floor and good acoustic qualities
- A kitchen and bar area
- Adequate toilets
- Located in the Inner North / or City
- Close to public transport
- An appropriate buffer from residential areas
- Natural ventilation and easy access to an outdoor area
- Includes secure storage and an ability to control who comes into the venue

The CMC was running successful events at Corroboree Park Hall in Ainslie until last year, however due to noise complaints about other (non CMC) events, noise is now restricted after 10pm to such an extent that this is no longer a viable venue for many of our events.

Over the last year we have been holding highly successful events at McGregor Hall in the city, regularly attracting hundreds of people. This has included CD launches for local and visiting bands, fund raisers and events to showcase emerging Canberra bands such as Indymfest.

The hall has lots of character and associated stories, and a sprung dance floor. It is a perfect size, and location being central, close to public transport and away from noise complaints. It has a functional kitchen and bar area, back stage area and rooms for storage of gear, natural ventilation and easy access to outdoor areas. The Hall meets all the criteria above and is perfect for our needs, as well as a range of other groups including the Jumptown Swing Dancers who for a number of years have used the hall regularly, currently more than once a week.

The ACT Government has transferred this community asset to the ANU to allow for its demolition. This raises the question of whether the Government has a responsibility to provide an alternative and equivalent space in the area, given its current regular use by a range of not for profit community music and dance groups, and the community benefit this provides, including to students of the University.

Apart from existing users, the demand for community facilities will continue to increase with the intensification of inner areas. There is likely to be whole new range of community groups looking for facilities in this area into the future.

The Club will continue discussions with various parties on this matter and would welcome Government support.

5.2 Insurance

The Chief Minister launched the CMC in September 2008 at the Albert Hall, an ACT Government facility. In order to hold a one-off event at that venue we were required to have public liability insurance for \$20 million. This would be an enormous barrier to most groups wishing to hold a live music event.

At that time the club decided to take out an insurance policy for the whole year, at considerable cost. One of the important services the CMC now provides is an insurance policy that covers members' events under the CMC banner. This includes public liability (\$20 mill), volunteers insurance and performer liability for our shows. The club therefore has been able to cover a range of live music events from festivals (eg Corinbank), to CD launches in places like Commonwealth Park, fundraisers, and visiting interstate and international acts that otherwise would not have been possible (without significant additional expense).

A significant amount of our members' funds pay for the insurance policy for events that are often held in ACT Government venues or in public open spaces. In addition the CMC carries the risk and must ensure compliance at events. It would be preferable if the ACT Government could largely cover the insurance for events held in its own venues and open spaces.

The ACT government should develop a policy on insurance for live music events, particularly in its own venues and in public open spaces, recognising the role that the CMC currently plays at considerable cost to its members (*Action 10*).

5.3 Club training and mentoring

The club aims to encourage the ongoing viability of live music in Canberra by supporting musicians. Consistent with suggestions outlined in **section 4.5**, the CMC would be keen to work with the Government to develop and promote any grants scheme that might be developed to allow local bands to travel and perform. The CMC would also like to explore with Government, the proposal to establish a battle of the bands type program, possibly linking to Indyfest which is now a CMC event (*Action 7*).

We also aim to ensure the sustainability of the Club itself given its reliance on a very small number of volunteers, including in technical areas such as sound. We would like to actively encourage training and mentoring in the skills required in the live music industry, for example we will continue to work with CIT to record and video some CMC events.

5.4 Liquor licensing

The Club intends to ensure that our bar volunteers receive appropriate training particularly with changes to the Liquor Act. We would also like more of our volunteers to receive other training in areas such as First Aid.

Apart from meeting legal requirements, we see this type of training as another part of our mentoring role discussed above, which could assist younger club members to gain employment in the entertainment industry. As a non profit community organisation we would like to ensure that this type of training can cover as many of our volunteers as possible, at a reasonable cost (*Action 11*)

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Appendix A

Assembly resolution 25 February 2009

Item	Assembly resolution	CMC response
1.	Acknowledge that live music and events are an integral part of our culture and essential for maintaining a vibrant, culturally diverse community	Fully agree. The Government (and Assembly as a whole) should recognise the significant role live music plays to the cultural life and economy of the ACT and commit to active support and removal of barriers to live music. See Section 2
2 a	Community space (bollards or wall space) for promotion of events via bill posters	See 1b below
b	Late night transport options for large scale events	Support. This would require Government support and greater coordination between event organisers, Taxi operators and ACTION buses. See Section 4.6
c	Community venues for all – age music events in the city and town centres	Support. Addressed in Section 4.4
Specific terms of reference for inquiry:		
1 a	Review of order of occupancy legislation	Principles of order of occupancy should be applied but there are limitations to this approach as outlined in Section 4.1
b	Community bollards for promotion of events via bill posters	Support. However need to recognise that bill posters is only one form of promotion with internet based communication eg Facebook and websites are becoming a more important form of communication for many people.
c	Examine how building codes for residential and business development in commercial zones could be amended to ensure sound insulation and security are appropriate to collocation with live cultural events	Support as a matter of urgency in cases where residential developments are about to occur in Braddon, City and Belconnen Town Centre. Discussed in Section 4.2 However there is a wider issue of creating precincts where live music and noise can exist to the exclusion of residential development as discussed in Section 4.3.

Suggested Actions

The CMC has proposed a dozen actions which are referenced from within the submission.

- 1 Government to **recognise the significant role live music** plays in the cultural life and the economy of the ACT and commit to active support and removal of barriers to live music.
- 2 Government commission a study to **investigate the financial contribution of live music** to the ACT economy.
- 3 **Apply the principle of order of occupancy** as a matter of urgency in areas such as the City and Braddon, where residential developments are planned near existing venues, and also at EPIC. However note its limitations in that it does not help new venues to open after residential development has occurred.
- 4 **Sound proofing**
 - 4.1 Best practice **sound proofing should become a requirement in new residential developments in commercial areas** as a matter of urgency for example in Braddon and the City.
 - 4.2 With existing conflict, **onus should be on the residential development to retrospectively soundproof their building** eg the Waldorf. Government could assist with acoustic advice and rebate to assist building owners and venue operators.
- 5 Planning authorities develop and implement a policy to **encourage the development of night life precincts** to avoid future conflicts, including a review of zoning.
- 6 **Identify potential community venues** and cost estimates to bring these up to standard eg through sound proofing. Government should ensure that all suitable community facilities currently meeting the needs of live music in Canberra are retained.
- 7 Provide a **program of support for emerging musicians** possibly including small grants to allow local musicians to tour, a battle of the bands type program with an opportunity to perform at a festival like Indyfest, or to record and promote a CD. Also promote technical skills such as sound and lighting.
- 8 Encourage greater **transport coordination between event organisers, and bus and taxi companies** to develop a more flexible and responsive late night service.
- 9 Provide **funding for a coordinator** to help implement some of the proposed actions.
- 10 Government to develop a policy on **insurance for live music events**, particularly in its own venues and public open space, recognising the role that the CMC currently plays.
- 11 CMC to liaise with Government to ensure that our bar **volunteers receive appropriate training with changes to the Liquor Act** at a reasonable cost.
- 12 Government should continue to **liaise the ACT Live Music Industry Forum** or any new group that may emerge.

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Music hal in jeopardy

By Carmen McIntosh

MORE than 555 people have joined a Facebook campaign to save McGregor Hall in the city from demolition.

Launched by the Canberra Musician's Club (CMC), the campaign seeks to raise awareness of the hall's plight before it is demolished in the coming months to make way for the growing ANU Exchange.

CMC president Nigel McRae said Canberra needed McGregor Hall.

He said the CMC had spent years searching for suitable venues for contemporary music in the inner north, and McGregor Hall was a near-perfect venue.

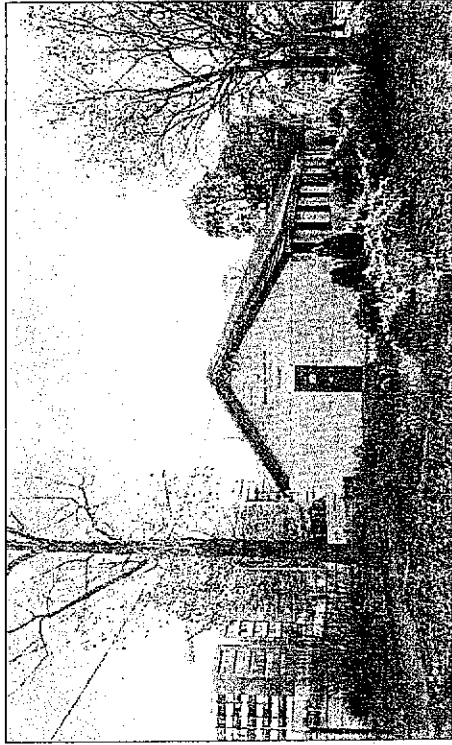
"Our agenda is to try and improve the music scene in Canberra and so having located McGregor Hall, it's really good for our purposes, so we're pretty disappointed that it's going to be knocked down," he said.

"We don't know what our chances are of actually saving the hall but we wanted to raise awareness of the greater issue of actually there are very few places to do what we do in Canberra."

The CMC has occupied a number of homes over the years, but have had trouble with noise complaints and the high cost of venue hire.

Mr McRae said the group would really like to see the hall itself picked up and relocated, or to have a similar space incorporated into the ANU Exchange.

"We're talking to the Department of Housing and Community Services who were the owners before they swapped it with the uni, so it's



McGregor Hall on Barry Drive is due to be demolished in September.

possible they may have some solution," he said.

The director of the office of the ANU Exchange, David Lamont, said the hall site had been earmarked for demolition as early as 2004 as part of the overall development within City West.

He said the ANU Exchange had spent more than \$1 million to relocate the existing community groups which used the hall at the time.

"The ANU Exchange and the ACT Government - all parties involved have taken appropriate action given proper consideration in relation to the stakeholders that were in existence in the City West when the development deed was entered into in 2004 and on numerous occasions since," he said.

"The Canberra musicians group

can not pretend that they were unaware that any activities in McGregor Hall would be of a very short term nature."

Mr Lamont said constructing another significant facility on the site was certainly not their intention, and the hall was not structurally sound enough to be relocated and it was "riddled" with asbestos.

"I have met on several occasions with both individuals and in other group discussions [with the Canberra Musician's Club] and went through their issues and strategies and have in fact helped them source mid to long term alternative arrangements via discussions with the Molonglo Group," he said. "There is a wider issue, but there are commercial live music venues that operate in the city and elsewhere."

Reflections on a century filled with many changes

JESSIE Chapman of Narrabundah has seen a century of changes, from the introduction of cars and electricity, to computers and great social change.

Mrs Chapman celebrated her 100th birthday on Saturday at the Salvation Army's Mountain View home.

Born in Scotland, Mrs Chapman emigrated to Australia as a baby with her parents in 1912. She lived in Sydney for most of her life and moved to Canberra in recent years to be closer to her daughter.

"I've seen many changes," she said.

"The difference in life when I was young - it's entirely different, you can't compare today with when I was a girl.

"Things were simple, but people accepted it because they knew nothing else."

One of the biggest changes of the times to affect Mrs Chapman followed her marriage, at 27, to Pattern Maker Jack.

"He was a churchy person and I was a churchy person in a different church," she said.

"He was in one at Roselle and I was in one at Balmain, and that's how we met playing tennis - we played against them sometimes."

"Once I was married I had to stop work, which made a big difference.

"I loved my work, I was in an office and I was quite happy but we just had to give it up. They didn't employ you if you were married." Mrs Chapman said she did not feel 100, and had heard from many well-wishers that she certainly did not look it.



Jessie Chapman celebrated her 100th birthday on Saturday.

Picture: Elesa Lee

"I can't believe it. Really it's taking me an awful long time to let it sink in," she said. And her secret, she said, was keeping active and determination, with a little help from blackcurrant juice.

"I drink a lot of water. And Ribena," she said.

"I'm trying to get my daughter to drink it. I have had that for years. I have it in the afternoons often and I think that has helped with the energy."

Mrs Chapman says life is really what you make it.

"My life, I tried to make it [happy], you can if you try," she said.

"You have your ups and your downs everybody has those. You have to be in control of your own happiness. 'I've been a bit determined.'"

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ACT Public Service

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- Pink Team (JACS/CMD+Exec/DT)
- Blue Team (DET/CIT/SSC/LA)

Supplier Name: <div style="border: 1px solid black; padding: 2px;">The Street Theatre</div> Special Requests/ Reference Number: <div style="border: 1px solid black; padding: 2px;">for immediate payment</div>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 75%;">Collect Cheque*</td> <td style="width: 12.5%;"><input type="radio"/> Yes</td> <td style="width: 12.5%;"><input checked="" type="radio"/> No</td> </tr> <tr> <td>Staff Reimbursement: <small>EFT only - bank account details must be provided below.</small></td> <td><input type="radio"/> Yes</td> <td><input checked="" type="radio"/> No</td> </tr> <tr> <td>RCTI (Recipient Created Tax Invoice)</td> <td><input type="radio"/> Yes</td> <td><input checked="" type="radio"/> No</td> </tr> <tr> <td>GST Registered</td> <td><input checked="" type="radio"/> Yes</td> <td><input type="radio"/> No</td> </tr> <tr> <td>Withholding Tax</td> <td><input type="radio"/> Yes</td> <td><input checked="" type="radio"/> No</td> </tr> </table> <p><small>* Please note all collect cheques are to be collected from Shared Services Centre, Eclipse House, Civic</small></p>	Collect Cheque*	<input type="radio"/> Yes	<input checked="" type="radio"/> No	Staff Reimbursement: <small>EFT only - bank account details must be provided below.</small>	<input type="radio"/> Yes	<input checked="" type="radio"/> No	RCTI (Recipient Created Tax Invoice)	<input type="radio"/> Yes	<input checked="" type="radio"/> No	GST Registered	<input checked="" type="radio"/> Yes	<input type="radio"/> No	Withholding Tax	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Collect Cheque*	<input type="radio"/> Yes	<input checked="" type="radio"/> No														
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GST Registered	<input checked="" type="radio"/> Yes	<input type="radio"/> No														
Withholding Tax	<input type="radio"/> Yes	<input checked="" type="radio"/> No														

Bank Account Details for EFT Payments	Purchase Order Related Invoices:
Bank Account Name: The Stagemaster	Purchase Order Number:
BSB: 112-908	Receipt Number:
Account Number: 043600006	Project/Task Number:
Postal Address:	

Invoice Detail: (All fields are mandatory) Please attach **ORIGINAL** invoices - copies are not accepted.
 Applicable GST Codes: 10% AP (10%); Free AP (F); Input Tax AP (IT); Exempt (Ex); Capital 10% (Cap10%); Free CAP (CapF); Input CAP (ITCap); Outside AP (OS); No ABN Withhold (NABN)

Entity	Cost Centre	Account Code	Int. Trad.	Project	Agency Use	GST Tax Type	Amount \$ (ex. GST)	Amount \$ (inc. GST)	Description
200	20312	712708	99	60402	9999		\$600.00	\$600.00	Aust Council FORM 511
Total \$ GST							\$0.00	Total Amount \$ (incl. GST)	
								\$600.00	

Remittance Advice Description:
 Invoice 511

Prepared by:

Name: Annek Robinson Phone: 72378

Signature: [Signature] Date: 26/5/10

Authorising Officer (financial delegate):

Name: Anne Robinson Helen Brajkovic Position: Program Manager Arts Activities

Signature: [Signature] Date: 26/5/10



The Street Theatre

GPO BOX 3138
CANBERRA ACT 2601

A.B.N.

13 120 663 736

OK to pay
[Signature]

Tax Invoice

Invoice #: 00000511

Date: 24/05/2010

Bill To:

ARTS ACT

Ship To:

ARTS ACT
Attn: Anne Robinson
Chief Ministers Department
GPO Box 158
Canberra ACT 2601

Description

Venue Hire Street One Friday 14 May 2010 - Arts ACT/Australia Council Forum

Amount Code

\$600.00 FRE

Direct Debit Details

BSB 112-908

Account No 043600006

Account Name The Stagemaster

Terms 7 days

Freight: \$0.00 GST

GST: \$0.00

Total Inc GST: \$600.00

Amount Applied: \$0.00

Balance Due: \$600.00

Live Music in the ACT

235

History

- The ACT Government has taken an interest in supporting live music in Canberra for a number of years.
- In July 2008, the Chief Minister wrote to ACT Ministers with responsibility for licensing and planning issues indicating that he wished to investigate legislative or regulatory action to reduce barriers to live music performance in the ACT.
- On 25 February 2009, the Legislative Assembly referred a number of issues in relation to the support of live music and events in the community to the Standing Committee on Planning, Public Works and Territory and Municipal Services. The Standing Committee presented an interim report to the Legislative Assembly at the end of 2009 and is scheduled to present its final report in mid 2010.

Interdepartmental Committee

- In June 2009 an Interdepartmental Committee was established to consider the barriers which exist to the production of live music in the ACT, in particular, in relation to legislation and regulation and ways in which these could be reduced. All ACT Government departments are represented on the IDC which is chaired by artsACT.
- The IDC and the Legislative Assembly Committee have been working closely together.

ACT Live Music Industry Forum

- As part of its deliberations, the IDC held a targeted Forum of representatives from the live music industry in the ACT to seek their views on key issues and possible solutions.
- Approximately 20 representatives from live music venues, music training institutions, the media, music organisations and local contemporary bands and musicians attended the Forum. Numbers were limited to ensure a productive discussion.
- Some members of the IDC also attended the Forum as observers and to provide factual input into the Forum as required.
- The Forum was held on Monday 29 March 2010, 6.00 -7.30pm at the Street Theatre. A further Forum is planned for mid May 2010.
- Key issues identified by the IDC were discussed at the meeting. These included:
 - Possible changes to noise regulations
 - Improved sound attenuation measures, including for existing community facilities
 - Availability of rehearsal spaces and performance venues
 - Improved information for licensed venues regarding the presentation of live music
 - Planning to allow for live music venues including consideration of Order of Occupancy provisions
- There may be concern from some members of the music industry that the Forum was by invitation only and not open to the whole community. The Forum was designed to provide the IDC with specific information and suggestions and as such was limited in its numbers.
- The Legislative Assembly Inquiry, however, called for public submissions. This was widely advertised in the middle of last year.

Outcomes

- The IDC will continue to investigate these issues and consider the suggestions raised at the Forum and the recommendations made by the Legislative Assembly's Inquiry. It is proposed that a cabinet submission will be prepared to address some of these issues. It is anticipated that the submission will be completed by the end of the year.

Robinson, AnneK

233

From: Robinson, AnneK
Sent: Monday, 31 May 2010 12:08 PM
To: Robinson, AnneK
Cc: Featherstone, Nigel
Subject: Live Music Industry forum

Follow Up Flag: Follow up
Flag Status: Flagged

Live Music Industry Forum

Thank you to those who were able to attend the Live Music Industry Forum held on 24 May. There were many helpful suggestions which will be put to the Interdepartmental Committee looking at barriers to the performance of live music in the ACT. The Committee is scheduled to finalise its report at the end of this year.

A number of people at the Forum expressed interest in continuing to meet and discuss issues around live music in the ACT. These would be industry led meetings without government input. If you would like to make your email address available to other Forum members in order to organise these meetings please let me know. I will email the list of people interested participating on Thursday afternoon.

At the Forum, a study undertaken by the Cultural Ministers Council *Supporting Australia's Live Music Industry: Suggested principles for best practice* was mentioned. A copy of the document is available at [Supporting Australia's Live Music Industry: Suggested principles for best practice \(PDF - 833 KB\)](#)

Thanks
Anne

Anne Robinson
Arts Development Officer for Community Arts and Music
artsACT

Phone: 6207 2378
email: annek.robinson@act.gov.au
Address: Level 4, Nara Centre, 1 Constitution Ave, Canberra City ACT 2602

Noise issues need a sound resolution

The ability of inner-city venues to provide live music hinges on an inquiry, **FRANCES STEWART** writes

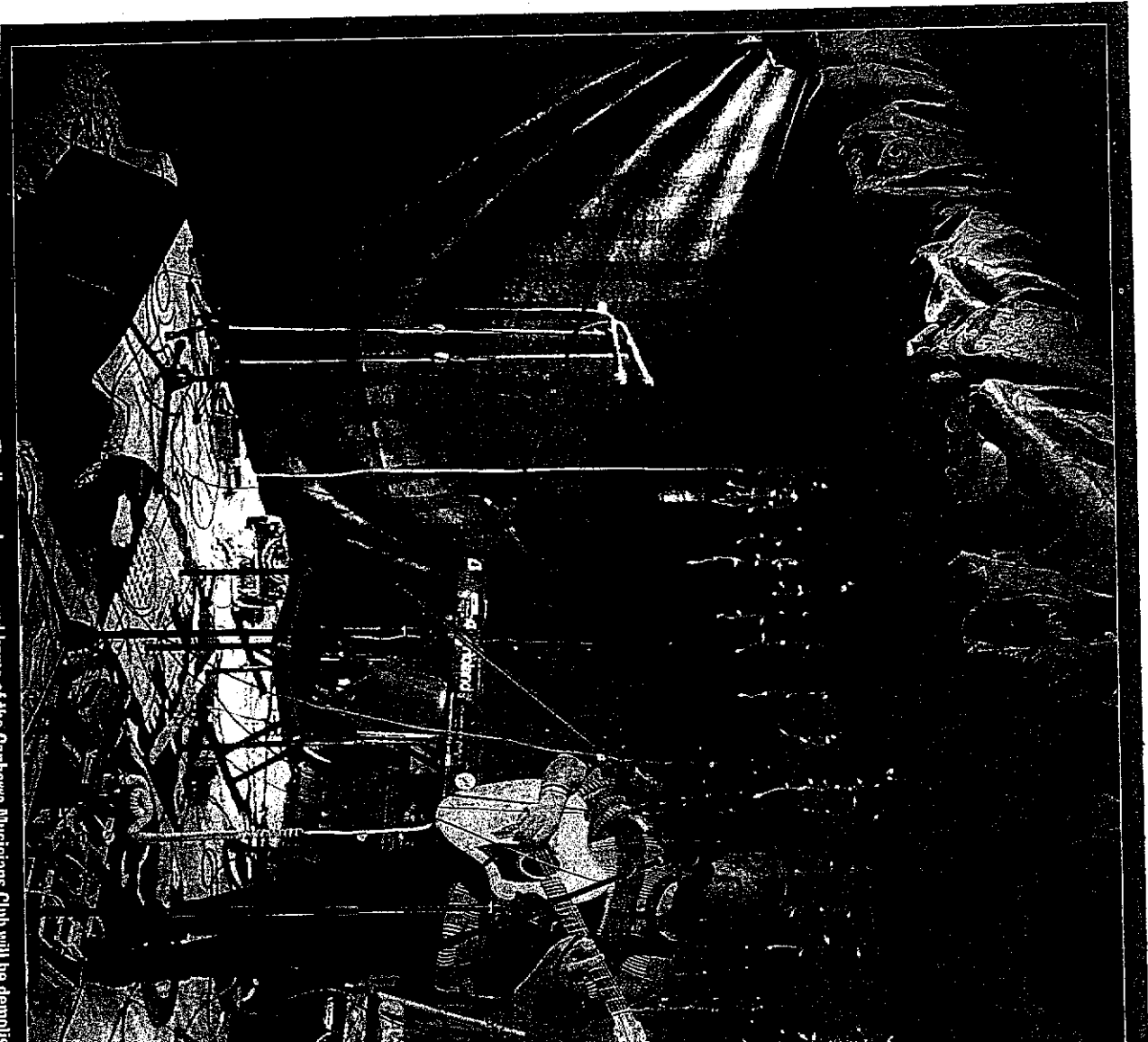


Illustration by Frances Stewart. Musicians' clubs will be demolished.

LIVE VENUE

ACT, and had taken his own time to try to assist the Canberra Musicians Club negotiate lease arrangements for a hall in New Acton.

"But the hall will be demolished to make way for more student housing," he said.

"Everyone knows that was going to be the outcome."

McRae said Canberra's music scene needed a range of different venue types to be successful and called on the Government to address the shortage of medium-sized venues.

"A vibrant contemporary music scene in Canberra requires a wide variety of venues, including private bars, cafes, outdoor venues, halls for hire, festivals and government-financed public venues," he said.

"The ACT should immediately begin planning for purpose built, community run, temporary music venues in all town centres."

entertainment, it is still not sufficient enough to compete with the demands and pressures of a populated city centre."

Australian Democrats ACT division president Darren Churchill said sound insulation legislation in the ACT had failed to accommodate increased residential development in town centres and louder events at city venues.

"The option of separation of entertainment noise from residential areas seems to no longer be available," he said.

"Canberra has already changed to a place where many people

The Waldorf Apartments, above, and former Toast Bar owner and manager Bryan Fitzpatrick in his bar before it closed.



Researchers studying the level of distraction by mobile phone users warn that the habit is not only dangerous, but deadly.

"When you are in a mobile phone conversation, you really are less aware of the world around you," psychology professor at Western Washington University in Bellingham, Washington, Ira Hyman said. "In an environment where there are streets and cars... it gets really risky."

Though statistics on deadly accidents aren't available, anecdotal evidence in news reports is plentiful.

In 2008, a 39-year-old woman walking and talking on her mobile phone was struck and killed by a train in Alabama. That same year, a young woman in San Francisco stepped off a kerb while on her mobile phone and was hit by a ute and died.

More commonly, researchers said, the mishaps involve bumps, bruises, cuts and scrapes, like the story of the texting teen in New York who fell more than a metre down an uncovered manhole last year, scraping her back and losing a shoe.

The number of mobile phone-related accidents that drove users to emergency rooms almost doubled between 2006 and 2007, and again between 2007 and 2008, with more than 1000 injuries, according to research at Ohio State University. The problems included talkers and texters walking into objects, tripping, and stepping into the paths of trains and vehicles.

"We found pedestrians talking on cell phones, like drivers, were less aware of their surroundings, and they were more likely

increase was greater for pedestrians."

Nasar's group used emergency room records gathered by the US Consumer Product Safety Commission. He suspects many more cases go unreported because the injuries are minor or people are too embarrassed to admit what happened.

Hyman, the Washington college professor, and his students observed people crossing the university's central square and grouped them by mobile phone or MP3 users, those walking alone with no electronics and those walking in pairs and talking.

Those with mobile phones were the worst, he said.

"They walk more slowly, they weave more, they changed directions more frequently and they are the least likely to acknowledge people around them. They seemed to be unaware of the world around them," he said.

Taking it one step further, one of Hyman's students dressed up as a clown and rode a unicycle in the same square for an hour.

Three quarters of the conversing pairs noticed the clown, as did more than half of the MP3 users and solitary walkers. Only one quarter of the mobile phone users noticed the clown, Hyman said, whose study was published in *Applied Cognitive Psychology*.

"That's what I find most disturbing about the work," he said. "A conversation with someone next to you is not nearly as distracting as a conversation on a cell phone."

SHNS



ACT Live Music Industry Forum

Monday 24 May 2010
6.00 – 7.30pm

Venue – Foster Room
ANU School of Music
Peter Karmel Building

AGENDA

1. Welcome & Apologies	David Whitney
2. Notes from previous meeting and key themes	David Whitney
<p>3. Discussion – What practical actions can be taken to reduce barriers to a vibrant live music industry in the ACT?</p> <p>Key areas:</p> <ul style="list-style-type: none"> • Recognition of the importance of live music • Noise issues • Lack of appropriate performance & rehearsal venues • Contemporary music advocacy • Government support for live music • Promotion opportunities (including bollards) • Night-time public transport • Other? 	All
4. What will happen next?	David Whitney

Contact details

229

Name

(if not previously provided)

Bruce Ryan

Tim Duck

Narwick Smith

DAVE DALEY

Toel Panneman

Matthew Watts

Joan Armstrong

Allan Sko

Matthew Heath

Marc Grange

Pon Drysdale

GIL MILLER

Kimmo Vennonen

blems with poor occupancy
we are now at 'ground-zero'
Can we look back 10-20 years?

ould new developments have a
Sound rating?

se associated with other activities
- people going outside to smoke
- other crowd noise

proved energy efficiency = sound-proofing

ould be responsibility of people changing use
ed to identify areas which need to be considered
for various uses

①
• Film industry tax concessions

- is this possible for music?

- music industry going through a difficult time

- increasing cost due to sound issues/
liquor licencing

* take to CMC - needs to
be done at Commonwealth level

- film had some very strong voices

* Study into value of live music in
ACT - economic value including
tourism

- Commission consultants
- often done by industry bodies

Cultural issue within government
that does not recognise value of
live music.

228

Some material available eg Hotel industry

Noise

Noise may not be direct issue but may be compounding factor
New developments should have appropriate sound-proofing.

Issues around zoning

Establish exclusion zones

How do we balance existing venues + existing residential developments

Pay venue and apartment owners to improve sound proofing

Shared responsibility

Level of ambient noise very low

- expectation that a city will be noisy
- changes to noise zones
- blanket approach will not work
Case by case basis
- some existing venues could be given certain decibel levels.
- notify new residents / renters that live music venue will make noise
- problems with 'next generation' leasees
- music to be allowed for same period as liquor licence.
- music industry needs to get together to lobby government
- why can anyone person complaining impact on a venue? (Public vs Personal impact).

Advocacy

- AHA sub-branch of national body - not necessarily interested in live music
- Most problems are not new
- Need an advocacy group - including govt
 - Musicians
 - Promoters
 - Venues
- Needs to an industry body - not a govt initiated body

Govt Support

- Sound proofing
- Business Development courses/mentoring financial advice
- No structure for music business development
- Financial support for industry body
- Music directory

venues

- enough venues for emerging bands/musicians - not only 'contemporary'
- NACT provide/support a venue
- Youth Centres provide venues but only youth
- Are there suitable government buildings?
- Are there costs in soundproofing schools etc
- Can existing school halls could be used for rehearsals
- Can government depots sometimes available invest money to provide venues
- Can govt/business partnerships
- Register of venues + contact details
- Can existing rehearsal spaces can be repurposed
- Can be expensive

business industry development model

If - sustaining structure

and payments low - could look
subsiding travel etc.

Directory on what currently exists
gig touring funds

insurance a significant issue; including
govt gigs.

motion

community notice boards in
in centres

bands often working on zero
advertising budget

websites exist but people don't
always know where to look

- promotion often done by venues
- Bands need to be pro-active about promotions
- Increased use of social-networking sites
- 'Code of conduct' required around use of noticeboards
- Govt money to community radio stations
Specifically promote local music
eg DHKS funding for social inclusion
- Directory could include Gig information
- Some possible promotion on 'local music'
- BMA provides free gig guide on-line.

Transport

- Big event pay for buses
- Better bus services at night would help
- Could notify ACTION of specific events

people may not go out if they know there
not suitable buses home
mini buses doing rounds of main centres or
venues

light-rider service

Problem factor of ACT Planning

support for recording industry -

business development

some Venues not good live venues
eg acoustics

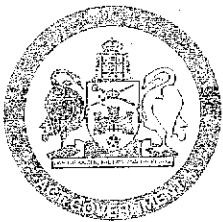
Bands often set sound levels not venues

Decibel levels limits low

change business model - focus on quieter
music or no music

- United voice

Control



ACT Government
Record of Conversation / Minute

File No. 223

To Nigel / Anne

Date 23/9/10

Personal Interview
Telephone Conversation
Internal Minute

Subject Music IDC / Forum.

Time am / pm

Conversation with
Mr
Mrs
Miss
Ms

Department, Firm, Private Address

Telephone No.

(if applicable) Inquiry re: Block Section Suburb

Details

Interesting to note report.

Agenda for Monday night?

Progress on venues and why they still play and why some don't. Good to use those @ the forum to raise, provide input.

Wedded papers - while in Albany forward weekly records - need to keep up to speed!

Action taken (if applicable)

Have conversation with Mike Wilson on Friday re can only be by... (text is partially illegible) ...need to see that... (text is partially illegible) ...can bring it to progress in... (text is partially illegible)

Signature Officer's Name Designation

Whitney, David

222

From: Robinson, AnneK
Sent: Monday, 17 May 2010 4:43 PM
To: Robinson, AnneK
Cc: Whitney, David; Featherstone, Nigel
Subject: Live Music Industry Forum 2

Live Music Industry Forum

Thank you to those who were able to attend the Live Music Industry Forum held on 29 March.
The second Forum meeting will be held **6.00-7.30pm, Monday 24 May 2010**. The meeting will be held in the Foster Room at the ANU School of Music. Directions are:
Peter Karmel Building
William Herbert Place – off Childers Streets
(Entry from front glass doors, take the first right up the hallway. Foster Room is the first room on right)

The agenda is currently being finalised but the focus of the forum will be on practical actions which can be taken to reduce barriers to live music in the ACT.

All those who were invited to, or attended, the previous forum are most welcome to attend this follow-up session. To keep the discussion targeted, attendance is by invitation only.

Please RSVP by COB Thursday 20 May.

Thanks
Anne

Anne Robinson
Arts Development Officer for Community Arts and Music
artsACT

Phone: 6207 2378
email: annek.robinson@act.gov.au
address: Level 4, Nara Centre, 1 Constitution Ave, Canberra City ACT 2602

Whitney, David

From: Robinson, AnneK
Sent: Wednesday, 5 May 2010 12:50 PM
To: Bishop, Thomas; Boyer, Penny; Cubin, Derise; Friend, Stuart; Gottlieb, Catherine; Lefterys, Rish; Neil, Robert; Thorman, Rob; Walsh, Kelvin; Whitney, David; Wilks, Trish
Subject: Live Music IDC agenda and minutes
Attachments: meeting notes IDC 2 March 2010.doc; 4th meeting IDC Agenda.doc

Dear IDC member

Please find attached the Minutes of the last IDC meeting and the Agenda for the meeting to be held on **Tuesday 18**

May. Please noted the time of the meeting is **3.00-4.30pm**.

Also a reminder that the next Live Music Industry Forum will be held on **6.00-7.30pm, Monday 24 May 2010**.

Agenda and venue to be advised shortly.

IDC members are also most welcome to attend as observers/experts.

Thanks

Anne

Anne Robinson
Arts Development Officer for Community Arts and Music
artsACT

Phone: 6207 2378

email: annek.robinson@act.gov.au

address: Level 4, Nara Centre, 1 Constitution Ave, Canberra City ACT 2602

Agenda Item 1 – Welcome and Introductions

Purpose

To note members present, apologies and to confirm the agenda for the meeting of 18 May 2010.

Issues

Members invited:

Mr David Whitney, artsACT, Chief Minister's Department (Chair)
Mr Rish Leftreys, Department of Disability, Housing and Community Services
Mr Kelvin Walsh, ACT Planning and Land Authority
Mr Chris Beer, ACT Planning and Land Authority
Ms Derise Cubin, Department of Justice and Community Safety
Mr Rob Thorman, Land Development Agency
Ms Penny Boyer, Canberra Institute of Technology
Mr Robert Neil, Department of the Environment, Climate Change and Water
Mr Tony Blattman, ACT Health
Mr Kel Pearce, Department of Land and Property Services

IDC secretariat:

Nigel Featherstone, Manager Arts Development, artsACT, Chief Minister's Department
Anne Robinson, Arts Development Officer, artsACT, Chief Minister's Department
Annek.robinson@act.gov.au

Apologies

Ms Kathy Strehar, Department of Territory and Municipal Services
Ms Trish Wilks, Department of Education and Training
Ms Naida Blackley, Department of Education and Training
Ms Catherine Gottlieb, ACT Health
Mr Stuart Friend, Department of Treasury

Recommendation

That the IDC:

1. Note the members present.
2. Accept the apologies.
3. Agree the draft Agenda.

Item	Discussion	Action	Status
1	<p>REDUCTION OF BARRIERS TO THE PRODUCTION OF LIVE MUSIC IN THE ACT INTERDEPARTMENTAL COMMITTEE 10.00 – 11.30am, Tuesday 2 March 2010 Level 2, Conference Room, Canberra Nara Centre</p> <p>Welcome & Apologies The Chair opened the meeting at 10.00am.</p> <p>Members present: Nigel Featherstone, Manager Arts Development, artsACT, Chief Minister's Department (Chair) Mr Rish Leftreys, Department of Disability, Housing and Community Services Mr Kelvin Walsh, ACT Planning and Land Authority Ms Derise Cubin, Department of Justice and Community Safety Mr Rob Thorman, Land Development Agency Ms Penny Boyer, Canberra Institute of Technology Mr Robert Neil, Department of the Environment, Climate Change and Water Ms Naida Blackley, Department of Education and Training Ms Catherine Gottlieb, ACT Health</p> <p>IDC secretariat: Anne Robinson, artsACT,</p> <p>Apologies Mr David Whitney, artsACT, Chief Minister's Department (Chair) Ms Kathy Strehar, Department of Territory and Municipal Services Ms Trish Wilks, Department of Education and Training Mr Stuart Friend, Department of Treasury</p>		Agenda confirmed

	<ul style="list-style-type: none"> • that the ACT Government investigates the best ways to ensure that people moving into residential areas where live entertainment is provided are made aware of Order of Occupancy principles. • that the ACT Planning and Land Authority include the concept of Reverse Sensitivity as an overarching Objective in the relevant Development Codes and Precinct Codes of the Territory Plan. • that private businesses and commercial developments be encouraged to provide bill posting facilities. • that the ACT Government review the regulations that impact on live community events and ensure that the regulatory requirements for venues reflect the different types of music and entertainment that may be provided. • that the ACT Government consider improved sound attenuation measures for existing community facilities • that the IDC further investigate the availability of community venues for live events in the ACT and consider how the ACT Government can better support this need. <p>Although the formal consultation period is over the Inquiry is still accepting written submissions. The Inquiry is scheduled to present its final report in June 2010.</p>	
4	<p>Comment from the Australian Federal Police on noise complaints, liquor licensing and community music festivals</p>	<p>Deferred to next meeting artsACT to continue to liaise with the AFP</p> <p>artsACT</p>
5	<p>Meeting with music industry representatives</p> <p>The IDC considered that it would be valuable for the IDC to hear from the Live Music sector on their perception of the barriers to live music production and any suggestions they had for improvement. The IDC agreed to a targeted forum which should include band managers and promoters, music event organisers, music industry organisations, training organisations, venues, media and</p>	<p>Live Music Industry Forum to be held 6pm 29 March 2010 at the Street Theatre</p> <p>artsACT</p>

ACT Government In-Confidence
Meeting notes 2 March 2010

7	<ul style="list-style-type: none"> • <i>Information for licensed venues regarding the presentation of live music</i> Brochure encouraging venues to consider live music but also to setting out ways to reduce impact on surrounding areas • <i>Potential for changes to timing of noise restrictions in group and local centres</i> Potential review of EPA including noise restrictions (b) Develop strategies for progression of themes 	Further development required Update at next meeting	artsACT in consultation with other agencies DECCW
	<p>Next Meeting</p> <p>3.00 – 4.30pm Tuesday 18 May 2010 (Note change of time) 5th floor Conference Room Nara House</p> <p>Proposed future meeting dates:</p> <ul style="list-style-type: none"> • Tuesday 17 August 2010 • Tuesday 16 November 2010 		artsACT

Robinson, AnneK

From: Robinson, AnneK
Sent: Monday, 17 May 2010 4:43 PM
To: Robinson, AnneK
Cc: Whitney, David; Featherstone, Nigel
Subject: Live Music Industry Forum 2

Live Music Industry Forum

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Please RSVP by COB Thursday 20 May.

Thanks
Anne

Anne Robinson
Arts Development Officer for Community Arts and Music
artsACT

Phone: 6207 2378
email: annek.robinson@act.gov.au
Address: Level 4, Nara Centre, 1 Constitution Ave, Canberra City ACT 2602

**REDUCTION OF BARRIERS TO THE PRODUCTION OF LIVE MUSIC IN THE ACT
INTERDEPARTMENTAL COMMITTEE**

MEETING

**Tuesday 18 May 2010
3.00 – 4.30pm
Level 5, Conference Room
Canberra Nara Centre**

DRAFT AGENDA

Activity	Lead Agency
1. Welcome & Apologies	Chair
2. Update on actions	All
3. Legislative Assembly Inquiry into Live community Events	CMD
4. Meeting with music industry representatives Summary of first meeting Agenda for second meeting	CMD and observers at the meeting
5. Develop strategies for inclusion in Cabinet submission Possible inclusions: <ul style="list-style-type: none"> • Valuing live music across government • Noise regulations • Availability and suitability of community venues for live music rehearsal and performance – existing and proposed facilities • Ways of promoting cultural/social economies in group centres and Civic including through planning regulations • Promotion of live music events including bollards • Information for venues wishing to present live music • Other? 	Discussion
6. Next Meeting	Chair

Agenda Item 1 – Welcome and Introductions

Purpose

To note members present, apologies and to confirm the agenda for the meeting of 18 May 2010.

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- Mr Rob Thorman, Land Development Agency
- Ms Penny Boyer, Canberra Institute of Technology
- Mr Robert Neil, Department of the Environment, Climate Change and Water
- Mr Tony Blattman, ACT Health
- Mr Kel Pearce, Department of Land and Property Services

IDC secretariat:

- Nigel Featherstone, Manager Arts Development, artsACT, Chief Minister’s Department
- Anne Robinson, Arts Development Officer, artsACT, Chief Minister’s Department
- Annek.robinson@act.gov.au

Apologies

- Ms Kathy Strehar, Department of Territory and Municipal Services
- Ms Trish Wilks, Department of Education and Training
- Ms Naida Blackley, Department of Education and Training
- Ms Catherine Gottlieb, ACT Health
- Mr Stuart Friend, Department of Treasury

Recommendation

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Item	Discussion	Action	Status
1	<p>REDUCTION OF BARRIERS TO THE PRODUCTION OF LIVE MUSIC IN THE ACT INTERDEPARTMENTAL COMMITTEE 10.00 – 11.30am, Tuesday 2 March 2010 Level 2, Conference Room, Canberra Nara Centre</p> <p>Welcome & Apologies The Chair opened the meeting at 10.00am.</p> <p>Members present: Nigel Featherstone, Manager Arts Development, artsACT, Chief Minister's Department (Chair) Mr Rish Leftreys, Department of Disability, Housing and Community Services Mr Kelvin Walsh, ACT Planning and Land Authority Ms Derise Cubin, Department of Justice and Community Safety Mr Rob Thorman, Land Development Agency Ms Penny Boyer, Canberra Institute of Technology Mr Robert Neil, Department of the Environment, Climate Change and Water Ms Naida Blackley, Department of Education and Training Ms Catherine Gottlieb, ACT Health</p> <p>IDC secretariat: Anne Robinson, artsACT,</p> <p>Apologies Mr David Whitney, artsACT, Chief Minister's Department (Chair) Ms Kathy Strehar, Department of Territory and Municipal Services Ms Trish Wilks, Department of Education and Training Mr Stuart Friend, Department of Treasury</p>		Agenda confirmed

2	<p>Update on actions (not included elsewhere on the agenda)</p> <p>The Secretariat noted that issues surrounding the Building Code of Australia had been raised with the Cultural Ministers Council Working Group on Contemporary Music Development. The Working Group had noted that making changes to the building Code was extremely difficult and the Code provided a minimum standard which could be increased by State/Territory regulations.</p> <p>The Secretariat undertook to provide information to the IDC regarding the ACT Cultural Council's deliberations on Public Liability Insurance.</p> <p>The Secretariat will provide members with the best practice guide for the development of a legislative and regulatory environment supporting live music when it is endorsed by the Cultural Ministers Council in October 2009. The Guide is awaiting sign-off by the CMC Chair.</p>	<p>Paper provided at meeting</p> <p>artsACT to provide a copy when approved.</p>	<p>artsACT</p>
3	<p>Legislative Assembly Inquiry into Live Community Events</p> <p>Ms Robinson provided an overview of the interim report from the Inquiry into Live Community Events. The key recommendations from the Interim report are:</p> <ul style="list-style-type: none"> • that the description of ACT land areas in Schedule 2 (table 2.1) of the Environment Protection Regulation 2005 specify which Territory Plan zones fall under a particular noise zone, where applicable. • that the ACT Government review the noise standards in the Environment Protection Regulation 2005 to provide more flexibility for small and medium venues to run live events. • that the Liquor Act 1975 enable the Commissioner to consider Order of Occupancy principles when investigating complaints in relation to a licensee. 	<p>Copies are available from http://www.parliament.act.gov.au/committees/index1.asp?committee=113&inquiry=770&category=19</p>	

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	<ul style="list-style-type: none"> • that the ACT Government investigates the best ways to ensure that people moving into residential areas where live entertainment is provided are made aware of Order of Occupancy principles. • that the ACT Planning and Land Authority include the concept of Reverse Sensitivity as an overarching Objective in the relevant Development Codes and Precinct Codes of the Territory Plan. • that private businesses and commercial developments be encouraged to provide bill posting facilities. • that the ACT Government review the regulations that impact on live community events and ensure that the regulatory requirements for venues reflect the different types of music and entertainment that may be provided. • that the ACT Government consider improved sound attenuation measures for existing community facilities • that the IDC further investigate the availability of community venues for live events in the ACT and consider how the ACT Government can better support this need. <p>Although the formal consultation period is over the Inquiry is still accepting written submissions. The Inquiry is scheduled to present its final report in June 2010.</p>		
4	<p>Comment from the Australian Federal Police on noise complaints, liquor licensing and community music festivals</p>	<p>Deferred to next meeting artsACT to continue to liaise with the AFP</p>	artsACT
5	<p>Meeting with music industry representatives The IDC considered that it would be valuable for the IDC to hear from the Live Music sector on their perception of the barriers to live music production and any suggestions they had for improvement. The IDC agreed to a targeted forum which should include band managers and promoters, music event organisers, music industry organisations, training organisations, venues, media and</p>	<p>Live Music Industry Forum to be held 6pm 29 March 2010 at the Street Theatre</p>	artsACT

ACT Government In-Confidence
Meeting notes 2 March 2010

	<p>individual musicians and band members. artsACTF presented a proposed list of invitees which was agreed to by the IDC, with other addition of some other names. IDC members agreed to participate in the Forum as observers where appropriate.</p>		
<p>6</p>	<p>Emerging themes: (a) Approve list of themes</p> <ul style="list-style-type: none"> • <i>Ways of promoting cultural/social economies in group centres including the consideration of Order of Occupancy provisions</i> <i>Planning in Group Centres</i> ACTPLA is proposing a study of night-time economies The Planning system looks at land use. Order of Occupancy provisions would be very complex and not necessarily address the issues of noise. Development Applications is often the mechanism for addressing noise issues through the requirement of noise management plans. Need to consider ways to raise awareness that some parts of the city will be noisier and that this part of living in the inner city. • <i>Improved sound attenuation measures, including for existing community facilities</i> <i>Availability of community venues for live events</i> <i>Availability of rehearsal spaces and performance venues for developing and emerging bands</i> Department of Land and Property Services (LAPS) is responsible for the management of government buildings. After hours access and safety issues need to be addressed Need to consider access issues (ie transport) Need to consider building code and planning guidelines 	<p>Further information on review of night-time economies to be provided at the next meeting.</p>	<p>ACTPLA</p>

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	<ul style="list-style-type: none"> • <i>Information for licensed venues regarding the presentation of live music</i> Brochure encouraging venues to consider live music but also to setting out ways to reduce impact on surrounding areas • <i>Potential for changes to timing of noise restrictions in group and local centres</i> Potential review of EPA including noise restrictions (b) Develop strategies for progression of themes 	<p>Further development required</p> <p>Update at next meeting</p>	<p>artsACT in consultation with other agencies</p> <p>DECCW</p>
7	<p>Next Meeting</p> <p>3.00 – 4.30pm Tuesday 18 May 2010 (Note change of time) 5th floor Conference Room Nara House</p> <p>Proposed future meeting dates:</p> <ul style="list-style-type: none"> • Tuesday 17 August 2010 • Tuesday 16 November 2010 		artsACT

Robinson, AnneK

From: Robinson, AnneK
Sent: Monday, 17 May 2010 4:35 PM
To: Pearce, Kel
Subject: RE: Live Music IDC
Attachments: meeting notes IDC 2 March 2010.doc; 1st meeting IDC Issues paper.doc; 4th meeting IDC Agenda.doc

Hi Kel
Please find attached the agenda for tomorrow's meeting and the minutes of the previous meeting. I have also attached a background paper which was provided to IDC members at the first IDC meeting in May last year. It is a little out of date but provides some useful background information.
Please give me a call if you have any questions otherwise see you tomorrow afternoon.
Thanks
Anne

ne Robinson
Arts Development Officer for Community Arts and Music
artsACT

Phone: 6207 2378
email: annek.robinson@act.gov.au
address: Level 4, Nara Centre, 1 Constitution Ave, Canberra City ACT 2602

From: Pearce, Kel
Sent: Friday, 14 May 2010 3:58 PM
To: Robinson, AnneK
Subject: Live Music IDC

Anne,
On behalf of LAPS I will be the action officer for the Live Music IDC and will be able to attend the next meeting on 18 May 2010. Can you advise on the location for this meeting.

/r

Kel Pearce
Senior Manager Property Asset Management
ACT Property Group
Land and Property Services

Ph (02) 6205 9937
Fax (02) 6213 0735
Mob 0421 916 204
Email Kel.Pearce@act.gov.au

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artsACT

Mr David Dawes
Acting Chief Executive
Department of Land and Property Services
Level 2, Telstra Building,
490 Northbourne Ave
Dickson ACT 2602

Dear Mr Dawes,

I am writing to seek the nomination of an appropriate officer from your Department to the Inter-departmental Committee on the reduction of barriers to the production of live music in the ACT (Live Music IDC).

On 25 February 2009, the Assembly referred a number of issues in relation to the support of live music and events in the community to the Standing Committee on Planning, Public Works and Territory and Municipal Services for inquiry. The Standing Committee has released an interim report and is expected to present its final report later this year.

In response to this Inquiry and to various initiatives undertaken by the Cultural Ministers Council, CMD has established an Interdepartmental Committee to consider barriers to live music performance in the ACT. The IDC is chaired by artsACT and has met on four occasions. All other ACT Government departments are represented on the IDC and with the formation of the Department of Land and Property Services you may wish to nominate a representative from your department. The IDC has a particular interest in buildings which might be appropriate as music performance or rehearsal venues.

The next meeting of the IDC is scheduled for 3.00 - 4.30pm Tuesday 18 May. Please contact Anne Robinson on 6207 2378 or email annek.robinson@act.gov.au if you would like any further information on the Live Music IDC.

Yours sincerely

David Whitney
Director, artACT
Chief Ministers Department
2 May 2010

Environment Protection Authority update to the Live Music IDC

1) **Current Legislation, Regulation, Policies, and Information Sheets**

- Environment Protection Act 1997
- Environment Protection Regulation 2005
- Noise Environment Protection Policy (attached)
- Outdoor Concert Environment Protection Policy (attached)
- Noise Measurement Manual
- Noise in Residential Areas Information Sheet (attached)
- Sound in the City Information Sheet (attached)
- Live Music and Entertainment Noise Information Sheet (attached)

2) **Projects currently been undertaken in relation to noise.**

The Assistant Manager in Environment Protection recently gave a presentation on risks associated with Public Events. The participants included organisers of major events i.e. Summernats, Multicultural Festival and numerous others events where live music is a major attraction.

3) **Noise Regulations administered in other Jurisdictions.**

The EPA looked at the Regulations administered in NSW, Victoria and Brisbane City Council. A comparison was undertaken between the above states and the ACT (Attachment A).

Planning

In NSW and Victoria there are no defined areas for entertainment venues, however in Queensland, the Brisbane City Council has defined several areas as Special Entertainment Areas. These areas are defined in the Amplified Music Venues Local Law 2006. In the ACT, the ACT Planning Policy (Territory Plan) defines land uses and the activities which are permitted within these areas. Different Land Uses have different noise criteria.

Hours deemed to be acceptable for higher noise levels

NSW and Victoria have identified that Friday and Saturday night is considered acceptable for noise to be above the background noise up to Midnight. NSW has set this level for all days where Victoria requires the noise not be audible after 11pm during the week.

Brisbane has two precincts in which noise is permitted at the higher levels up to 1am and midnight. There is recognition that the noise must be reduced at an earlier time during the week. In the ACT higher noise levels are permitted within Town Centres and Group Centres. The period for the higher noise level stops at 10pm for all Centres.

Regulated Noise Levels

NSW and Victoria determined that noise 5dB above the background noise level at the affected residence is considered to be excessive.

Brisbane has two precincts both of which apply different levels. The noise levels are expressed as LC_{eqT} at 1 metre external to the music venue or where the measurement

is taken within the bedroom or living room of a residential premise located in the same building, another criteria is applied for that measurement.

The ACT has noise standards for each land use. Town Centres are 60dB(A) at the compliance point. The noise is first required to be above the noise standard at the affected persons place before a noise measurement is taken at the compliance point, being as near as practicable to the boundary of the parcel of land from which the noise is being emitted.

While there is no relationship between a 'C' and 'A' weighted measurement, by using 'C' weighting the lower frequencies are picked up. A 'C' weighted measurement is approximately 10 to 15dB higher than an 'A' weighted measurement where there is a low frequency component to the music. There are several examples of a noise measurement at Attachment B.

Brisbane City Council advised that the number of music venues within the precincts have doubled since the new laws were introduced with the number of complaints remaining constant.

4) Implementation of the Outdoor Concert Noise Policy

The Outdoor Concert Environment Protection Policy was developed to assist the Environment Protection Authority balance the need to protect the amenity of neighbouring residence to venues where major events are held, primarily outdoor concerts with the capacity for more than 2,000 people.

The Policy does not address noise from indoor music venues or venues with a capacity smaller than 2,000 people. The Authority is not considering amending the Policy to address amplified music from these venues.

Regulation of Amplified Music Noise in Canberra, Brisbane, Melbourne and Sydney

Table 1

Title	ACT ¹	Brisbane ²	Sydney ³	Melbourne ⁴	Comments
Location Town Centres Civic Centre, Belconnen, Gungahlin, Woden and Tuggeranong Group Centres Calwell, Charnwood, Chisholm, Conder, Curtin, Dickson, Erindale, Hawker, Jamieson, Kaleen, Kambah, Kingston, Kippax, Manuka, Mawson, Wanniassa, Weston Local Centres: Lyneham, O'Connor etc not listed under the above headings	All: 7am – 10pm Mon – Sat 10pm to 7am Mon – Sat (Sunday and Public Holidays substitute 7am for 8am)	Special Entertainment Area Precinct Core Area A and B See attached maps in Fortitude Valley, Newstead and Teneriffe Waterfront, and Bowen Hills Core A: 10am to midnight on Sun-Thurs (10am Fri – 1am Sat & 10am Sat – 1am Sun) Core B: 10am to midnight Fri - Sat (10am Fri – 11.30pm Sun-Thurs) Core A: LC _{eqT} 90dB at any point 1	07:00am and 12:00 midnight	9am to 11pm Mon-Thurs; 9am to 12midnight Friday; 10am to 12 midnight Saturday; 11am to 10pm Sunday	Core A is in Fortitude Valley only which is about 1km from Brisbane's CBD. The majority of households consist of couples without children (nearly 70%) and over 95% of dwellings are units. There is no direct relationship between the
Time Periods	City & Town Centres: 60dB(A) 7am to 10pm	LA10 noise level emitted from the	Noise from music is restricted to the		
Daytime noise levels					

	<p>Group Centres: 55dB(A) 7am to 10pm</p> <p>Local Centres: 50dB(A) 7am to 10pm</p> <p>Noise level must first exceed the noise standard at an affected place. Noise is then measured at the compliance point, been any point as near as practicable to the boundary of the parcel of land.</p>	<p>metre external to the venue;</p> <p>Core B: L_{C_{eqT}} 88dB at any point 1 metre external to the venue</p>	<p>licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz-8k Hz inclusive) by more than 5 dB at the boundary of any affected residence;</p>	<p>background level plus 5 dB (L_{A90} + 5 dB(A))</p>	<p>A weighted criterion of the ACT and the C weighted criterion for Brisbane.</p> <p>By using a C weighting criterion, more of the lower frequencies will be picked up.</p> <p>Where noise in the ACT has a low frequency component, the Draft ACT Noise Measurement Manual provides a correction factor of 5dB(A).</p> <p>Refer to Table 2 for a comparisons between A and C weighted measurements using a constant level across all frequencies.</p>
<p>Night time noise levels</p>	<p>City & Town Centres: 50dB(A)</p> <p>Group Centres: 45dB(A)</p> <p>Local Centres: 35dB(A)</p> <p>Noise level must first</p>	<p>Core A: L_{C_{eqT}} 80dB at any point 1 metre external to the venue</p> <p>Core B: L_{C_{eqT}} 65dB at any point 1 metre external to the venue</p>	<p>The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in an Octave Band Centre Frequency (31.5 Hz-8k Hz inclusive) at the boundary of any affected residence.</p>	<p>Noise from music at particular frequencies (octave bands) is restricted to the background level plus eight dB (L_{OCT90} + 8 dB). This type of measurement is more sensitive to the more intrusive musical</p>	<p>Refer to Table 2 for a comparisons between A and C weighted measurements using a constant level across all frequencies.</p>

	<p>exceed the noise standard at an affected place. Noise is then measured at the compliance point, been any point as near as practicable to the boundary of the parcel of land.</p>	<p>Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00am.</p>	<p>frequencies.</p>	
<p>Adjoining walls or the same parcel of land</p>	<p>Reduce noise standard by 5dB(A) for all areas and time periods.</p>	<p>LC_{eqT} 45dB in any one third octave band between and including 31.5Hz and 125Hz in a living area of a residence located in the same building as the venue</p>	<p>Refer to Table 2 for a comparisons between A and C weighted measurements using a constant level across all frequencies.</p>	
<p>Measurement duration</p>	<p>10 minutes</p>	<p>3 minutes</p>		
<p>Controls:</p>	<p>For new developments, the EPA provides the following comment to ACTPLA.</p>	<p>Amplified music venues require a permit issued by council which includes the preparation of a noise management plan</p>		
<p>Environment Management Plans</p>	<p>Clubs, drink establishments, hotels, indoor entertainment facilities and restaurants must submit a noise management plan,</p>	<p>NSW Government abolished the Place of Public Entertainment Licenses that were required for local venues to play live music in October 2009</p>		
<p>Permits</p>	<p>prepared by an accredited acoustic specialist who is a member of the Australian Acoustical Society.</p>			
<p>Licences</p>	<p>The noise management</p>			

	plan should detail the design, siting and construction methods which will be used to minimise the impact of noise on neighbours. For outdoor concert events which have the capacity for more than 2,000 people the EPA grants an environment authorisation.				
Penalties	Warning letter Infringement Notice: \$200 (5 times for corporations) Environment Protection Order	Oral compliance direction that the noise must be turned down immediately Compliance notice when recurrent issue Revoke or suspend permit			

¹Environment Protection Regulation 2005

²Schedule 1 of the Brisbane City Council Amplified Music Venues Local Law 2006

³NSW Office of Liquor, Gaming and Racing, Sound Advice, October 2009

⁴The Environment Protection Act 1970 State Environment Protection Policy (Control of music noise from public premises), August 1989

Table 2 – A and C weighting comparison

Frequency (Hz)	unweighted (dB)	A-weighting (dB)	C-weighting (dB)	Comments
16	100	43.3	91.5	
31.5	100	60.6	97	Base
63	100	73.8	99.2	Base
125	100	83.9	99.8	Base
250	100	91.4	100	
500	100	96.8	100	

1000	100	100	100
2000	100	101.2	99.8
4000	100	101	99.2
8000	100	101.1	97
16000	100	93.4	91.5

Brisbane

Noise attenuation to reduce the intrusion of amplified music from both existing and future venues will be required in all new residential development, and noise attenuation requirements must be satisfied when designing new entertainment venues. In these areas, residents will expect ambient noise levels to be relatively higher. More info on requirements on page 15 of Draft Fortitude Valley Neighbourhood Plan August 2009
Entertainment uses (including clubs and live music venues) are to be focussed within the Special Entertainment Precinct Core Area. As such, residential accommodation of a short term rather than permanent nature is more suited to this precinct.

Melbourne

The Environment Protection Authority of Victoria conducted a Noise Survey in 2007 and found that 82.8% of respondents do not hear music or entertainment venue noise at all, and of those that do hear the noise, a further 11.6% say it does not bother them at all.

Sydney

The Department of Environment and Conservation (NSW) conducted a Neighbourhood Noise survey in 2004 and found that during the weekdays, the majority of people considered noise to be unacceptable after 10pm. During the weekends the majority of people considered noise to be unacceptable after 11.30pm. In addition, 93% of those surveyed said that it would be appropriate to ban loud amplified music after midnight.

Canberra

Table 3 – ACT Amplified Music Noise Complaints from Entertainment Venues 2005-2009

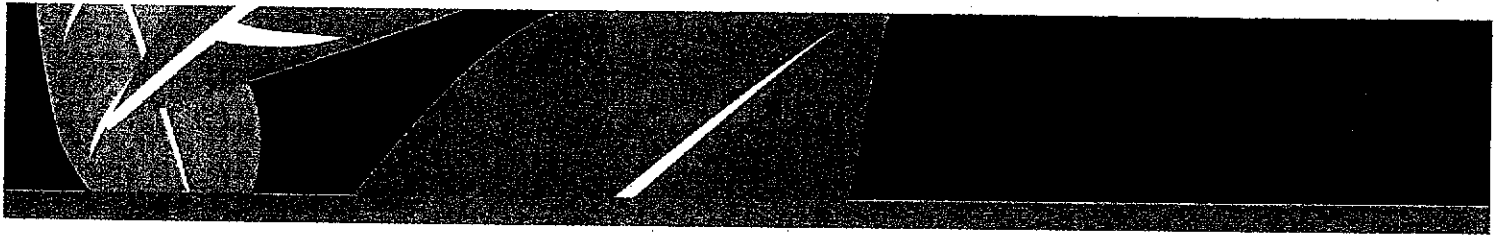
Suburb	Number of complainants	Number establishments	Comments
City	2	2 National Convention Centre Muddle Bar	Convention Centre - One off event utilising the Hall area and not the Theatre.
Braddon	6	1 Knights Bridge Lounge Bar	Residential Apartments in a Town Centre not built to attenuate higher noise levels.
Lynnham	14 (including 7 from Thoroughbred Park)	3 Old Canberra Inn The Front Thoroughbred Park	Old Canberra Inn – Apartments recently built adjacent to the Inn. The Front - Existing building

				retro-fitted for a music venue. Insufficient noise attenuation
O'Connor	1		1 All Bar Nun	Existing building retro-fitted for a music venue. Insufficient noise attenuation
Wanniassa	8		1 The Venue & Maram (same)	Existing building retro-fitted for a music venue. Insufficient noise attenuation.
Dickson	5		2 Trinity Bar 1 Bellucci's Restaurant	Trinity Bar – Live music held outside of venue. Bellucci's - Apartments recently built within the Group Centre. Existing building retro-fitted for a music venue. Insufficient noise attenuation
Belconnen	1		1 Ginninderra Tavern	Live music outside of venue. Residential properties in close proximity.
Tuggeranong - Greenway	0		0	
Woden - Phillip	3		1 The Green Room	Existing building retro-fitted for a music venue. Insufficient noise attenuation

NOISE ENVIRONMENT PROTECTION POLICY

Environment Protection Authority | January 2019





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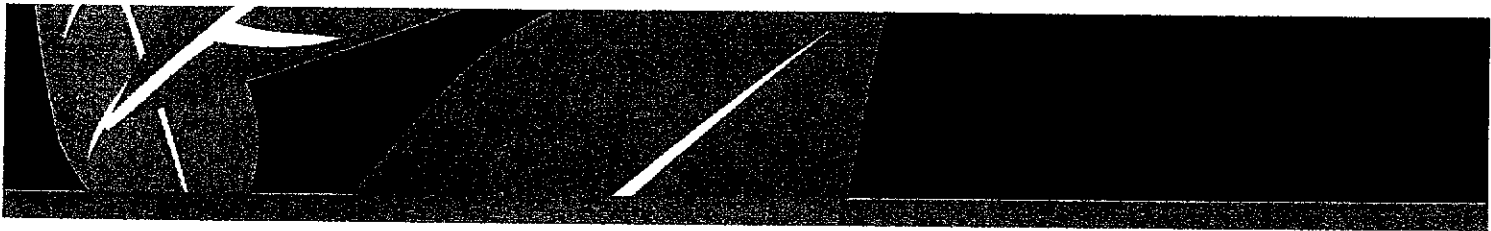
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1. BACKGROUND

1.1 What is the purpose of this EPP?

This Noise Environment Protection Policy (EPP) is designed to help people understand the *Environment Protection Act 1997* (the Act) and Environment Protection Regulation 2005 (the Regulation) as they apply to noise. There are general offences in the Act, which carry substantial penalties. This EPP provides guidance on meeting these legislative requirements, including the need to adopt the **general environmental duty** as specified in the Act to prevent or minimise **environmental harm**. This EPP has been prepared by the Environment Protection Authority (EPA) in accordance with Part 4 of the Act.

The role of Environment Protection Policies (EPPs) and their relationship to the Act and the Regulation is explained in the General EPP. The General EPP also contains other material of relevance to this Noise EPP such as policies on environmental management instruments. This EPP should be read together with the General and other EPPs.

There are two other noise EPPs, which should be read in conjunction with this EPP. These EPPs relate to specific noise sources, and are listed below:

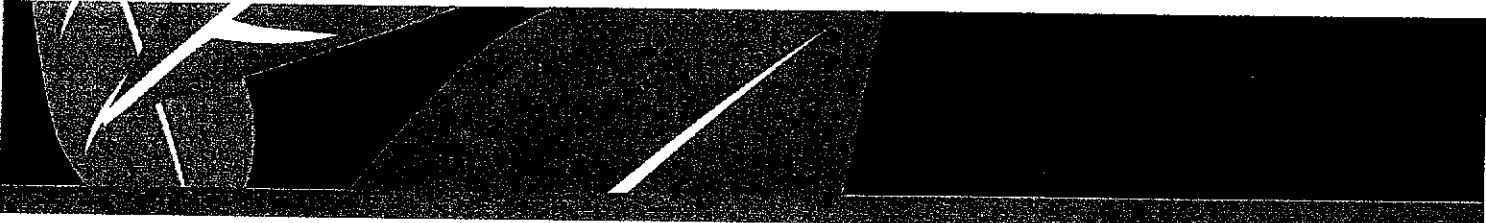
- Motor Sports Noise Environment Protection Policy; and
- Outdoor Concert Noise Environment Protection Policy.

1.2 Administration consistent with Objects of the Act

Section 2 of the Act requires that the Act be construed and administered consistently with the **Objects** of the Act. This Noise EPP should be read and applied to best give effect to the **Objects** of the Act.

This EPP has been developed in accordance with the following principles that, in the view of the EPA, are derived from, or consistent with, the **Objects** and provisions of the Act and Regulation:

- Regulatory limits on noise should reflect planning policies under the Territory Plan (promulgated under the *Planning and Development Act 2007*);
- Acoustic environmental values secured through noise **standards** should protect the health and wellbeing of the community and the individual;
- Regulatory controls should enable economically desirable or socially acceptable activities to take place provided that all reasonable steps consistent with the expectations of the overall community will be taken to minimise noise from such activities;
- The Noise EPP should maximise certainty for business and the community;
- The noise Regulation should not unnecessarily impact on regional (i.e. ACT and surrounding NSW) commerce;

- 
- To the extent that noise generated in the ACT affects persons in NSW, the Act should be administered so as to deliver equivalent protection to residents of both jurisdictions; and
 - Regulatory intervention to control noise from an activity is only warranted where that noise is having an adverse impact on an **affected person**.

Consistent with the concept of shared responsibility in the **Objects** of the Act, the EPA will encourage members of the community to resolve issues of excessive noise causing **environmental harm**. This also applies to the noise emitted in the course of: undertaking primary production; managing reserves; maintaining a garden or grounds on residential or other land; maintenance and repairing items; **building work**; activated motor vehicle and premise intruder alarms; mobile selling; parties on Territory leases or roads; warming up motor vehicle engines; religious services; using portable loud speakers; constructing or maintaining a road; waste collection; repairing a utility service; and conducting noise tests.

It should be noted that the Act does not apply to noise made by:

- a train;
- Commonwealth jurisdiction aircraft within the meaning of the *Air Services Act 1995* (Cwlth);
- a person using his or her body;
- an animal; or
- a motor vehicle being driven on the roads unless reliability trials or speed tests are being conducted and the vehicle has been exempted under road transport legislation from attaching silencers to the exhaust pipes, rules of the road and speed limits during the trials or tests.

Under the Regulation, noise is not taken to cause **environmental harm** if the noise is emitted in the course of:

- protecting life or property (Section 26);
- preventing, minimising or remedying another **environmental harm** (Section 27); and
- conducting an activity for which an **approval** is in force (Section 28).

1.3 Activities addressed by this EPP

This EPP addresses two main areas:

- Business activities, including the commercial, industrial and construction sectors and government; and
- People's activities in and around the home.

In both areas, people's actions have a direct impact on environmental noise levels in the ACT.

1.4 What about other legislation?

This EPP is complemented by other legislation and policies for the management of environmental noise.

More detailed information is as follows:

Activity	Act	Contact
General noise	<i>Environment Protection Act 1997</i>	EPA Canberra Connect on 13 22 81
Aircraft noise	<i>Commonwealth Air Services Act 1995 and Air Navigation Act 1920</i>	Air Services Australia on 1 300 302 240
Animal noise	<i>Domestic Animals Act 2000</i>	Domestic Animal Services Canberra Connect on 13 22 81
Motor vehicle noise	<i>Road Transport (Vehicle Registration) Act 1999</i>	Road User Services Canberra Connect on 13 22 81
Noise in the workplace	<i>Occupational Health & Safety Act 1989</i> (ACT employees) <i>Occupational Health & Safety Act 1991</i> (Commonwealth employees)	ACT Workcover Canberra Connect on 13 22 81 or Comcare 1 300 366 979
Hotel, bar club entertainment (people noise)	<i>Liquor Act 1975</i>	Office of Regulatory Services Canberra Connect on 13 22 81
Outdoor entertainment (public land)	<i>Roads and Public Places Act 1937</i>	City Places and Open Spaces Canberra Connect on 13 22 81
Planning (Territory Plan)	<i>Planning and Development Act 2007</i>	ACT Planning and Land Authority Canberra Connect on 13 22 81



1.5 Notes on reading this EPP

1. Where the EPP refers to a legal requirement, it will give the source of this requirement. 'The Act' refer to the *Environment Protection Act 1997* (as amended) while 'the Regulation' refers to the *Environment Protection Regulation 2005* (as amended).
2. Wherever a term is used that is defined in the Act or Regulation, it appears in **bold**.
3. Copies of the documents cited in this Noise EPP may be inspected at the following locations:

Environment Protection Policies

- Environment Protection Authority
Macarthur House
12 Wattle Street
Lyneham ACT 2602
 - ACT Public Libraries
 - Department of the Environment, Climate Change, Energy and Water
website: www.environment.act.gov.au
 - Queries may also be directed through Canberra Connect
phone 13 22 81.
4. Copies of documents cited in this Noise EPP may be purchased at the following locations:

Australian Standard 2436 (noise control measures for building sites)

- Global Customer Service Centre
Business Publishing
GPO Box 5420
Sydney NSW 2001
Phone: 131 242
Website: www.saiglobal.com/shop

2. POLICY OBJECTIVE

The objectives of this Noise EPP are, within the limits of its applicability, to deliver environmental noise levels which are consistent with the requirements and **Objects** of the Act. The **Objects** of the Act are set out in Section 2 of the Act and are of particular importance.

3. COMPLIANCE WITH THIS EPP

EPPs are not legally binding in themselves. They are statements of policy, guidelines and explanations of legal requirements. If something is legally required, this EPP refers to the source legal document (usually the Act or Regulation). EPPs have been developed to help people comply with the legal requirements of the Act and Regulation and the **general environmental duty**, which requires people to take practicable and reasonable steps to minimise environmental harm or environmental nuisance.

The role of this Noise EPP and its relationship to other EPPs, the Act and the Regulation is explained in the General EPP.

The EPA must take this EPP and any other EPP into account when administering the Act.

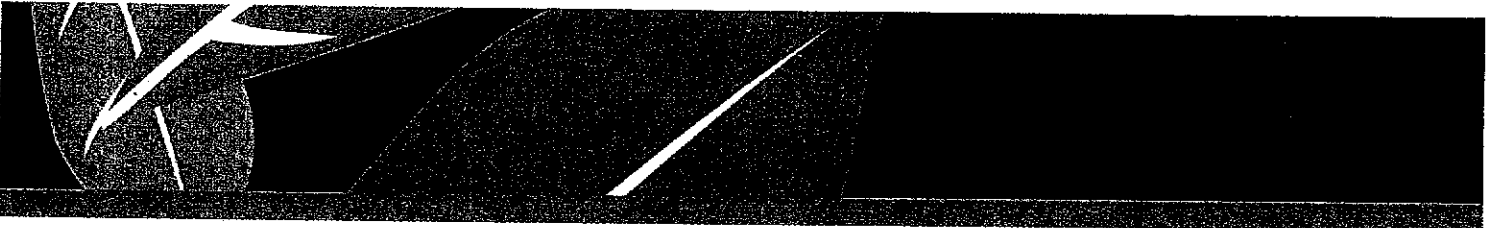
4. ENFORCEMENT POLICY

The EPA encourages the public to try to resolve any noise issues through discussion with the person responsible for the excessive noise, or mediation through Conflict Resolution Services.

A complaint may be lodged with the EPA by the person affected by the noise. It should be noted that a complaint regarding noise pollution will only be considered by the EPA if it is made by the **affected person**.

Consistent with the EPA's general approach to enforcement, as outlined in the General EPP, noise complaints will be dealt with in the following manner:

- First complaint, the EPA sends out a letter advising the alleged noise producer of their responsibilities under the Act and inviting them to contact the EPA to discuss the matter (in most cases the matter can be resolved at this stage);

- 
- Second complaint, if the complaint is validated by the EPA through a noise measurement, a warning letter or infringement notice may be issued, or depending on the circumstances, an **environment protection order (EPO)** may be issued (see Section 10.2);
 - Subsequent complaints will be dealt with accordingly. It should be noted that a breach of an EPO is a serious offence. If the noise continues to be a problem, it could lead to prosecution in court.

Note: This approach is adopted for guidance only and serious cases, such as complaints regarding a one off event or an authorised event, may justify immediate application of a strict approach to enforcement.

The EPA produces a range of education information, including industry specific information and codes of practice to educate and inform the public of their responsibilities under the Act.

5. REVIEW OF EPA DECISIONS

Certain decisions made by the EPA are reviewable by the ACT Civil and Administrative Tribunal (ACAT). Under Section 136B of the Act, which specifies the reviewable decisions, an eligible person can make an application to the ACAT for review of an EPA decision.

6. NOISE AND ENVIRONMENTAL HARM

6.1 Environmental harm

Section 25 of the Regulation provides that excessive noise causes **environmental harm**. The EPA will only take action if an **affected person** lodges a complaint about the noise, consistent with Section 22(3) of the Regulation.

Under the Regulation, the ACT is divided into **noise zones** based on land use policies defined by the Territory Plan. **Noise standards** apply to each zone. Except where otherwise permitted under the Regulation, an activity causes **environmental harm** if that noise exceeds the **noise standard** at the **compliance point** set either by the Regulation, an **environmental authorisation** or an **approval**.

Certain activities (e.g. lawn mowing, construction or outdoor concerts) which are either economically desirable and/or socially acceptable may not comply with **noise standards**. Such activities are permitted as either permitted activities under Section 29 of the Regulation or by

conditions of an **environmental authorisation** (see Section 10.1) or **approval**. In most cases, conditions are applied to restrict the adverse impact of the noise generated.

Note: The person causing environmental harm is considered to be the person who is legally present or in control of the premises where the noise is emitted. However, for constant noise sources (e.g. air conditioner, pool pump) the person causing environmental harm is considered to be the legal occupier of the premises.

6.2 Affected person

In accordance with Section 22(3) of the Regulation, the EPA will only take action in relation to excessive noise causing **environmental harm** if an **affected person** lodges a complaint.

An **affected person** is the occupier of an **affected place** subjected to noise which exceeds the **noise standard** applying to that place. To be an **affected person**, a person must:

- In the case of leased or privately owned land, be the legal occupier of that land and the noise must originate from an activity being undertaken outside that land; or
- In the case of unleased or public land (excluding roads, footpaths and cycle ways), be legally present on that land. The noise may originate from an activity being undertaken on or outside that land.

This definition of **affected person** excludes people who are in a position to control the activity causing the noise or who have other means available to them to address the problem. The following are not **affected persons**:

- The occupier of a parcel of land who is affected by noise from an activity being undertaken on that parcel of land (because the occupier is in a position to control the activity);
- The occupier of a unit in a units plan, such as a person living in an apartment block, who is affected by noise from common areas of the complex because that person is, through the body corporate, in a position to control the activity (such people are, however, considered to be affected by noise from activities being undertaken in another unit in the complex);
- The occupier of a parcel of land held under a territory lease who is affected by noise from another occupier on the same territory lease (e.g. two people living in an untitled dual occupancy or people living in untitled units); and
- Any person who is, on the land but is not the legal occupier. Examples include:
 - Customers on commercial premises, as they can ask the proprietor (who is the legal occupier) to take action or they can take their business elsewhere;
 - Employees within their employers lease boundary; and
 - Any person on a road, footpath or cycleway, as they are in transit or can readily move elsewhere.



7. NOISE STANDARDS

As noted above, the Territory Plan is promulgated under the *Planning and Development Act 2007* (Planning Act).

Noise standards under the *Environment Protection Act 1997* have been set to protect the acoustic environmental value, appropriate for the range of land zones designated under the Territory Plan.

Noise standards are the maximum level of noise which may be emitted by an activity, as measured at the **compliance point**. They are set in Table 2.2 of Schedule 2 of the Regulation.

Note: All noise emissions from a parcel of land must comply with the noise standards at any point within the vertical plane of the site boundary.

7.1 General standards

The ACT has been divided into seven **noise zones** which relate to land zones under the Territory Plan. The **noise standards** set for each **noise zone** have been based on planning guidelines, Australian standards, interstate practice and noise monitoring data. The **noise standards** permit the highest noise levels in industrial areas and are most stringent in residential areas.

Each zone has a "day" standard and a "night" standard. The day standard applies between 7am and 10pm Monday to Saturday (8am and 10pm Sunday and public holidays). The night standard applies between 10pm and 7am Monday to Saturday (10pm and 8am Sunday and public holidays).

Somewhat different arrangements apply to areas within the Territory Plan with land uses classified as 'Community Facility', 'TSZ2 Services Zone', 'CZ5 Mixed Use Zone' or 'Leisure and Accommodation Zone'. A wide range of activities is catered for within these land use areas and the type of activity undertaken generally reflects the surrounding area. The **noise standard** for this classification of land use is 'the same as the **noise standard** for the adjoining **noise zone** with the highest standard for the time period (Schedule 2, Table 2.2 of the Regulation).'

Subsequently, for a nightclub in an 'CZ5 Mixed Use Zone' area adjoining a Town Centre, the Town Centre standard would apply, enabling the nightclub to compete on equal terms, as far as noise requirements are concerned, with nightclubs in the Town Centre.

In the case of a motel surrounded by residential areas, the residential **noise standard** would apply.

7.2 Standards for units (e.g. apartments)

Unlike people living in free-standing houses, people who live in a unit on a **units plan** do not have the ability to control noise from activities in other **units** within the **units plan**. To provide

these occupants with protection from noise generated by other people living in the units plan, the noise generated by an activity in another unit must not exceed 5 dB(A) below the noise standard in their unit (Section 24(2)(a) of the Regulation). This lower limit provides equity with people living in free-standing houses who can take certain actions (e.g. closing doors and windows) to reduce the noise from neighbours. The normal noise standard applies to noise generated outside the unit's lease.

Multi-unit non-residential complexes are treated in the same way as residential apartment buildings.

7.3 Standards for the boundary between two or more noise zones

The Regulation recognises that occupiers of land which is at the boundary between two noise zones need to make allowances for the differing land use on the other side of the boundary. This is achieved by setting the standard at the boundary to the average, rounded up to the nearest dB(A), of standards applying to the two zones at the time the noise was emitted (Section 24(2)(c) of the Regulation). For example, a shop located on a block of land bordering a residential area is expected to take more precautions than it otherwise would in order to reduce the noise reaching the residential area. Equally, a person living adjacent to a shop expects to be exposed to some increase in noise levels above the noise standard which applies in a purely residential area.

Averaging only applies to the boundary which is common to both zones. The normal zone noise limit applies to the other boundaries of the properties. In the example above, the shop owner would only need to take additional precautions to prevent excessive noise in the residential area. The normal commercial zone limit would apply with respect to his lease boundary with neighbours in the commercial area.

7.4 Authorised or approved activities

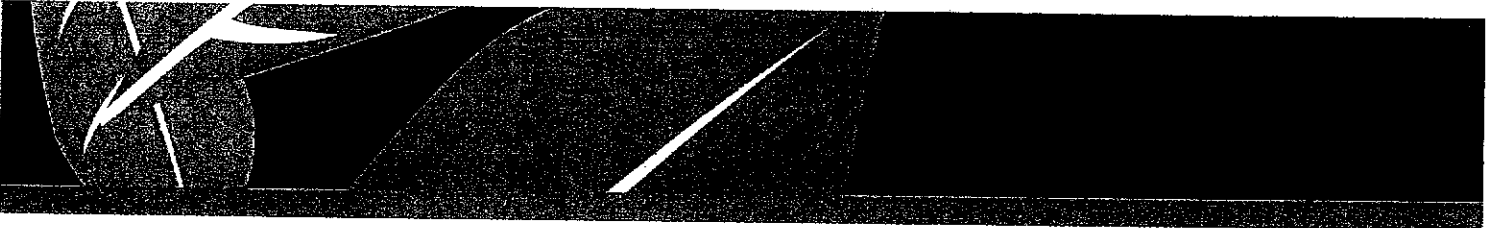
Noise standards which are different to those in the Regulation may apply to activities which are covered by an environmental authorisation or approval where the different standards are specified as conditions of the environmental authorisation or approval.

Approvals, which are granted under another law of the Territory (i.e. *Roads and Public Places Act 1937*), to conduct an activity on public land, will only include conditions varying noise standards which are consistent with the goals and Objects of the Act.

Environmental authorisations are covered in more detail in Section 10.1 of this EPP and Section 9 of the General EPP.

7.5 Areas of NSW adjacent to the ACT

While NSW residents and businesses are not subject to ACT legislation as far as their noise generating activities are concerned, they may be affected by noise originating from the ACT. To provide them with protection from ACT noise, Schedule 2 of the Regulation establishes noise zones in NSW which are equivalent to those in the ACT and enables NSW residents to be recognised as an 'affected person' under ACT legislation.



7.6 Noise considerations for development

Under the Planning Act, development applications (DAs) are lodged and assessed by the ACT Planning and Land Authority (ACTPLA). In the assessment of DAs, ACTPLA takes into consideration the applicable **noise standards** to ensure the compatibility of the proposal with noise amenity appropriate to the land use. ACTPLA will refer the DA to the EPA who may request the preparation of a supporting noise management plan, to ensure the protection of amenity from noise. The plan must be prepared by a person suitably qualified in the assessment of environmental noise. The EPA considers persons who are full members of the Australian Acoustical Society listed in the directory of Members Areas of Professional Practice under Environmental Noise to be suitably qualified.

ACTPLA also assesses noise issues associated with road and apartment design. Further information is available from ACTPLA through Canberra Connect on 13 22 81.

8. MEASURING NOISE

8.1 Compliance point

The **compliance point** is the point at which noise from an activity must meet the applicable standard if it is not to be considered excessive. Section 32-38 of the Regulation specify **compliance points**. Under the Regulation, an **environmental authorisation** or an **approval** may specify an alternative **compliance point**.

Changing the **compliance point** in an **environmental authorisation** or **approval** can have the effect of changing the noise level permitted. Where such a **compliance point** is specified, this will be done applying the following general principles:

- The **compliance point** should make it as easy as possible to measure the noise concerned; and
- In combination with the setting of the noise level permitted, the choice of **compliance point** should ensure that the overall noise authorised or approved is consistent with the provisions and **Objects** of the Act and the Noise EPP.

Where the **compliance point** is not specified in an **environmental authorisation** or **approval**, the **compliance point** is five metres from the noise source for unleased land and for leased land is as near as practicable to the lease boundary of the land from which the noise is being emitted.

In the case of a unit in a units plan, there is an additional requirement that the noise not exceed 5dB(A) below the noise standard, in the unit affected by noise from another unit in the units plan (see Section 7.2).

Where two noise zones are separated only by a road, the compliance point is the lease boundary within the noise zone with the lower noise standard.

Unless otherwise specified in an environmental authorisation or approval, measurements for determining compliance with the Act and Regulation are to be taken at a compliance point on, or as close as practicable to, a straight line between the source of the sound and the location where the sound is causing, or is likely to cause, environmental harm.

8.2 Measurement of noise

Noise measurements to determine compliance with the Act and Regulation are to be taken in accordance with the ACT Noise Measurement Manual. Noise levels are to be measured as $L_{A10,T}$ as defined in the Glossary.

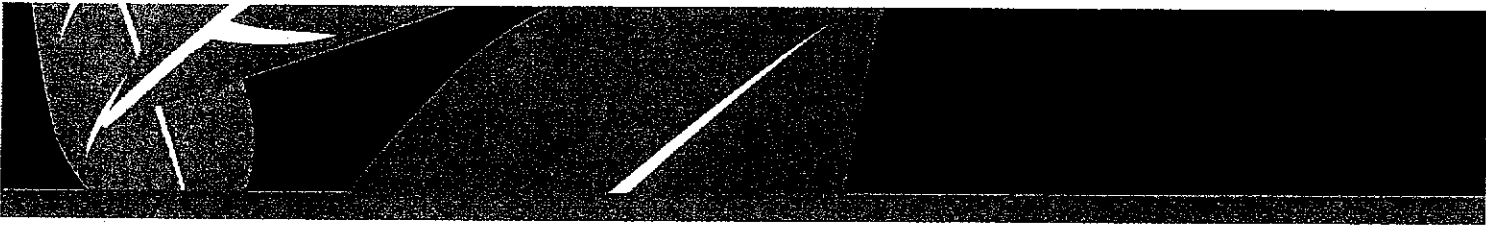
The index for noise measurement in the ACT is as follows:

<i>Measurement index</i>	<i>Length of measurement time</i>	<i>Adjusted measure for:</i> - tonality - impulsiveness - fluctuation
L_{A10} (level of exceedance for 10% of the time)	Representative measurement of the noise, not less than 5 minutes or greater than 15 minutes	+ 5dB(A)

Under Section 24 of the Act, other appropriate noise indexes and limits are assessed in the development of other noise EPPs (eg Motorsports EPP).

9. PERMITTED ACTIVITIES

Some everyday activities have the potential to generate noise above the relevant noise standard. Consistent with the Objects of the Act, these activities are permitted under Section 29 of the Regulation, provided certain conditions are met. These conditions, which are listed in Table 2.3 of Schedule 2 of the Regulation, may require steps to be taken to reduce the noise generated



and/or restrict the times at which the activities can be undertaken. The permitted hours of operation are to enable such activities to be undertaken while ensuring protection of the community from undue disturbance.

Activities in this category are listed below.

9.1 Primary production or the management of a reserved area

Some activities associated with primary production or management of reserved areas may generate noise above the **noise standard** (e.g. stump removal, earthworks for erosion control). To enable such activities to be undertaken, while ensuring the protection of the community from undue disturbance, noise from these activities may only exceed the **noise standard** between 7am and 10pm Monday to Saturday and 8am to 10pm on Sunday and public holidays. Under Table 2.3 Schedule 2 of the Regulation, it is a condition that the equipment is maintained and operated in accordance with manufacturer's instructions.

9.2 Maintaining a garden or grounds

Some activities associated with garden or grounds maintenance cannot realistically be made to comply with **noise standards**. To limit disturbance to neighbours, noise from these activities may only exceed the **noise standards** at certain times:

- For maintenance of gardens or grounds on residential land the **noise standard** may only be exceeded between 7am and 8pm Monday to Saturday and between 8am and 8pm on Sunday or public holidays; and
- For maintenance of garden or grounds on non-residential land, the **noise standard** may only be exceeded between 7am and 10pm Monday to Saturday and 8am and 8pm on Sunday or public holidays.

Equipment used must be maintained and operated in accordance with any manufacturer's specifications.

Note: Grounds may include sports grounds, public parks and open spaces, recreational areas and verges.

9.3 Maintenance or repair work

Maintenance and repair work, including minor construction work such as building pergolas and laying pavers, is part of living in a community. Some aspects of this work cannot realistically be made to comply with **noise standards**. To limit the disturbance caused by these activities, noise from the activities may only exceed the applicable **noise standard** between 7am and 8pm Monday to Saturday and 8am and 8pm on Sunday and public holidays.

This relaxation of the requirement to comply with the noise **standard** only applies to occasional work, not to home businesses or frequently used home workshops. In any eight week period, noise from maintenance and repair work may not exceed the **noise standard** for more than 40 hours. For home businesses and frequently used home workshops where noise exceeds the **noise standard** for more than 40 hours in an eight week period, noise attenuation measures will need to be taken to reduce noise levels to the **noise standard**.

Equipment used must be maintained and operated in accordance with any manufacturer's specifications.

It should be noted that the onus is on the complainant to keep records of noise emitted within any eight week period and produce a statutory declaration stating the accuracy of the records.

9.4 Building work

Some noise during building work is inevitable. Measures can be taken to reduce the noise and these are described in Australian Standard AS 2436: Guide to Noise Control on Construction Maintenance and Demolition Sites. Subject to time restrictions outlined below, noise from **building work** is permitted to exceed the **noise standard** provided the work is carried out in accordance with AS 2436.

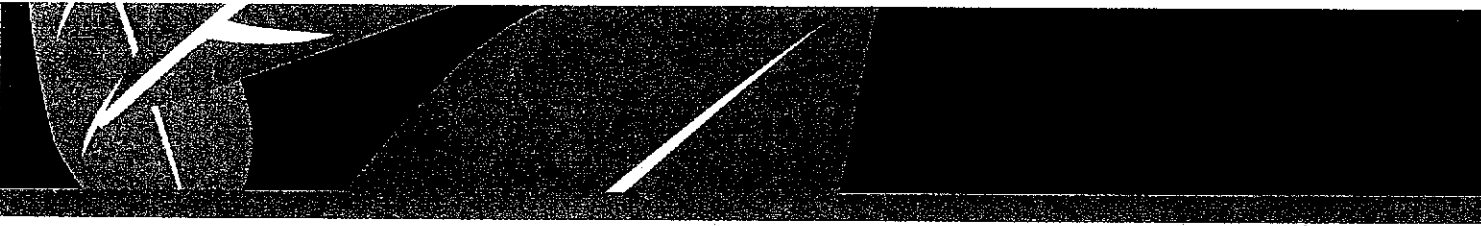
9.4.1 Building work requiring building approval

For **building work** which requires building approval under the *Building Act 2004*, division 3.3, the time restrictions which apply depend upon the length and duration of the work.

- In industrial areas, city centre and town centres, noise from **building work** can only exceed the **noise standard** between 6am and 8pm
- In other areas:
 - Noise from work which takes less than two weeks to finish can exceed the **noise standard** between 7am and 8pm Monday to Saturday and 8am and 8pm on Sunday and public holidays
 - Noise from work which takes longer than two weeks to finish can only exceed the **noise standard** between 7am and 6pm Monday to Saturday, excluding public holidays.

The period of two weeks applies to the duration of the entire project not to the duration of separate stages of the project.

These conditions have been established so that jobs which take less than two weeks can be finished as soon as possible. For jobs which take longer than two weeks, the aim is to prevent noise which exceeds the **noise standard** on Sundays and public holidays so that people living near the site have some respite from the noise made by the **building work**.



For jobs taking longer than two weeks, no noise exceeding the **noise standard** is permitted on any Sunday or public holiday. This includes the first two weeks of the period over which the job takes place.

9.4.2 Building work not requiring building approval

For **building work** not requiring building approval, internal **building work** or maintenance and repair work on a building, the work can only exceed the **noise standard** for less than 40 hours in an 8 week period between 7am and 8pm Monday to Saturday and 8am and 8pm Sunday and public holidays.

9.5 Security alarms for motor vehicles or premises

Security alarms meet an important community need but controls are needed to prevent them causing unacceptable disturbance to the community.

Noise from a motor vehicle alarm may exceed the **noise standard** if the alarm sounds either intermittently or continuously for less than 90 seconds after the alarm first sounds (for a vehicle manufactured prior to 1 September 1997) or for less than 45 seconds after the first alarm sounds (for a vehicle manufactured after 1 September 1997), or if a window or the windscreen is broken or removed, if the vehicle is involved in an accident, or it is illegally broken into.

Noise from a building intruder alarm installed prior to 1 December 1997 may exceed the noise limit if it automatically ceases to sound within ten minutes after being activated by a detection device and it cannot be reactivated (except by a different detection device) until it has been manually or automatically reset.

Noise from a building intruder alarm installed on or after 1 December 1997 may exceed the noise limit if it automatically ceases to sound within five minutes after being activated by a detection device and if it cannot be reactivated (except by a different detection device) until it has been manually reset or it cannot be heard in a habitable room in any residential premises.

9.6 Mobile vendors

Mobile vendors operating in the ACT must not operate a noise device (e.g. loudspeaker, chime, horn, siren, bell or whistle) while the vehicle is stationary, before 8am or after 8pm on any day, for longer than 30 seconds in any three minute period or more than once in any one hour period in the same section of road between two intersecting crossroads which are nearest in each direction.

9.7 New Year's Eve parties

In recognition of the widespread community involvement in New Year's Eve celebrations, **noise standards** are relaxed between 6pm on New Year's Eve and 12.30am on New Year's Day. During this period, the applicable limits are:

- 60dB(A) at the boundary of the land on which the party is held; and
- If the party is a street party, 60dB(A) at the boundary of the land adjoining the street.

People organising such parties are encouraged to discuss the planned party with their neighbours.

9.8 Warming up vehicle engines

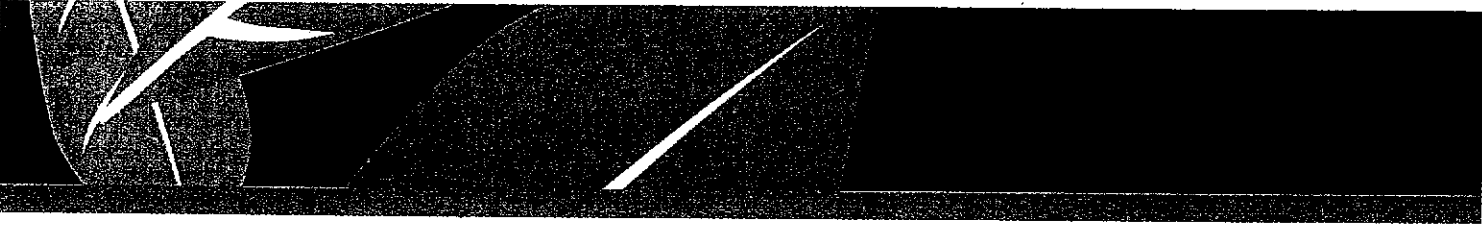
It may be necessary, particularly during cold weather, to warm the engine of a motor vehicle before it can be driven. Noise made by warming a motor vehicle engine may exceed the **noise standard** for no more than five minutes unless the vehicle's operating manual specifies a longer period. During warm-up vehicles must also comply with the noise requirements of the *Road Transport (Vehicle Registration) Act 1999*.

9.9 Bells, gongs, drums, trumpets and other non-amplified noise making equipment being used for religious purposes

The use of equipment such as bells and gongs has long been an accepted part of some religious ceremonies. In some circumstances, a requirement that noise from these activities comply with the **noise standard** would place unreasonable limits on such ceremonies. To enable these religious ceremonies to take place while providing reasonable protection to neighbours, noise made by unamplified equipment (e.g. bells) used for religious purposes may exceed the **noise standard** between 7am and 10pm on Monday to Saturday and 8am and 10pm on Sunday and public holidays. Noise made for religious purposes from amplified equipment must comply with the **noise standard**.

9.10 Noise from portable loud speakers

Some activities which take place on public land, such as sporting events and cultural festivals, involve the use of portable loud speakers. Noise from these loud speakers may be permitted to exceed the **noise standard** as part of an **approval** from a Government agency. An example might be an **approval** under the *Roads and Public Places Act 1937* to hold a multicultural day in Civic Square.



Any **approval** to exceed the **noise standard** would not include times other than between 7am and 8pm Monday to Saturday and 8am and 8pm on Sunday and public holidays. Loudspeakers used on leased land must comply with the **noise standard** except where other requirements apply under an **environmental authorisation**.

9.11 Roadworks

The construction and maintenance of roads is central to the economic and social well-being of the community. The Regulation restricts the times at which roadworks can take place to limit noise nuisance while not unduly affecting traffic.

No time restrictions are placed on the construction and maintenance of major roads to enable work to take place during periods of low traffic flows. For roads other than major roads, the noise made during construction or maintenance may only exceed the **noise standard** between 7am and 8pm on Monday to Saturday and 8am and 8pm on Sunday and public holidays.

9.12 Commercial collection of waste from commercial premises

The noise from waste collection can cause **environmental harm or nuisance**. The times at which residential waste collections take place is restricted under the contracts between the Government and the waste collection companies. Commercial waste collection is not subject to Government contracts and is therefore controlled by regulation. The Regulation requires that commercial waste collection not exceed the **noise standard** except where it is being undertaken in accordance with a code of practice accredited under Part 5 of the Act.

9.13 Maintenance of a utility service

The maintenance of a utility service is essential to the well-being of the community. No time restrictions are placed on the maintenance of a utility service to enable work to take place as required.

9.14 Testing compliance with noise standards

Occasionally it may be necessary to test whether an activity complies with the Regulation (e.g. motorsport testing or outdoor concerts that do not trigger an **environmental authorisation**). Noise from such tests may exceed the **noise standard** for up to two hours in any one week provided the tests are completed in the minimum time necessary. Testing should be undertaken by a suitably qualified person and must be in accordance with the *ACT Noise Measurement Manual*. Tests should, if possible, be undertaken between 7am and 8pm Monday to Saturday or 8am and 8pm on Sunday and public holidays. Where tests need to be made outside these hours, these may only be undertaken with the approval of the EPA. The EPA

would generally only approve tests for compliance with night limits where the background noise during the day is so high that it prevents testing during the permitted times.

Note: The EPA does not provide a compliance testing service. Commercial acoustic consultants provide this service.

10. ENVIRONMENTAL MANAGEMENT INSTRUMENTS

The Act creates a number of environmental management instruments. An explanation and general policies on the use of these instruments are described in Section 9 of the General EPP. The application of these instruments to activities with the potential to cause noise pollution is described below.

10.1 Environmental authorisations

An **environmental authorisation** is a form of licence to conduct an activity which has a significant potential to cause **environmental harm** (Part 8 of the Act), and sets out the conditions under which the activity must be conducted. **Noise standards** and **compliance points** can be varied under an **environmental authorisation**. Examples of activities with a significant potential to generate noise pollution subject to an **environmental authorisation** are outdoor concerts using amplified music at a venue capable of holding more than 2000 people and motor sports.

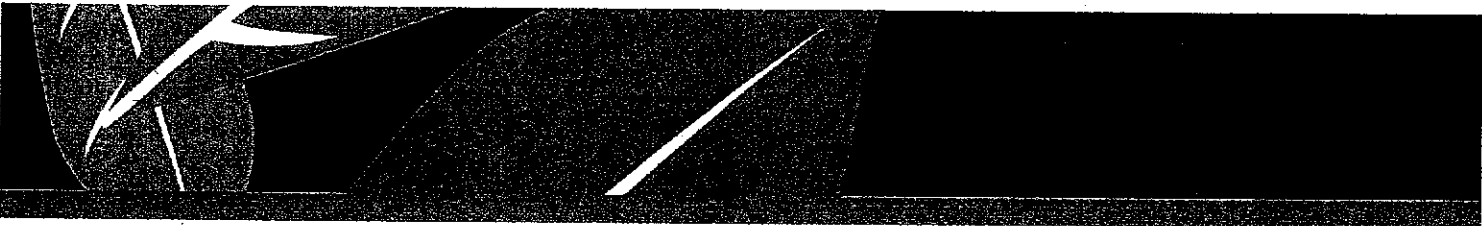
It is the responsibility of the activity manager to apply for an **environmental authorisation**. It is an offence to conduct an activity listed as a **Class A activity** in Schedule 1 of the Act without an **environmental authorisation**. The timeframe from application to grant for an **environmental authorisation** is approximately 30 days.

It should be noted that it is an offence under the Act to contravene an **environmental authorisation**, which carries a maximum offence of \$100,000 for a corporation.

The EPA has the power to require a person undertaking or intending to undertake an activity not defined in Schedule 1 of the Act, to obtain an **environmental authorisation** for that activity (section 43 of the Act). The EPA may only require such an authorisation where **serious or material environmental harm** has occurred, is occurring or may occur.

The EPA would generally expect to exercise this power in relation to activities causing noise pollution in the following circumstances, such as:

- a proposed activity not currently undertaken in the ACT and expected to generate considerable noise (e.g. a dragway);

- 
- an activity emitting **excessive noise** which is of net benefit to the community, yet cannot readily be made to comply with **noise standards**; and
 - the person undertaking an activity has a continuing poor environmental record.

10.2 Environment protection order

An **environment protection order (EPO)** is an instrument issued by the EPA under Section 125 of the Act. An EPO is issued where the EPA is satisfied that the person has breached the Act or an **environmental authorisation** condition.

An EPO will set out specific actions to be taken, stopped or not begun by the person to which the EPO relates and the maximum penalty for non-compliance with the EPO, among other things. Breaching an EPO is a serious offence and can lead to prosecution in court.

10.3 Other environmental management instruments

Three other environmental management instruments which may be used to manage environmental noise are:

- an **environmental protection agreement** which is a formal agreement under Part 7 of the Act between the EPA and a business (e.g. this could apply to activities such as furniture manufacturing, panel beating and jewellery manufacturing undertaken in residential areas, due to the potential to cause considerable disturbance to neighbours);
- an **environmental improvement plan** which is a formal plan under Part 9 Division 1 of the Act to improve the environmental performance of an activity and achieve best environmental practice over time (e.g. this could apply to an activity permitted to emit noise in excess of the **noise standard** under an **environmental authorisation**. The improvement plan would outline steps to be taken to reduce noise emissions, such as motor sport);
- an **environmental audit**, which is an assessment of an activity to identify causes of **environmental harm** or breaches of the Act and to determine the need for any change in management practices to reduce environmental impact (Part 9, Division 2 of the Act); and

Any use of these instruments will be in accordance with the policies outlined in the General EPP.

The other environmental management instruments, **emergency plans** and **financial assurances**, are unlikely to be used in managing environmental noise.

11. SALE OR HIRE OF THINGS

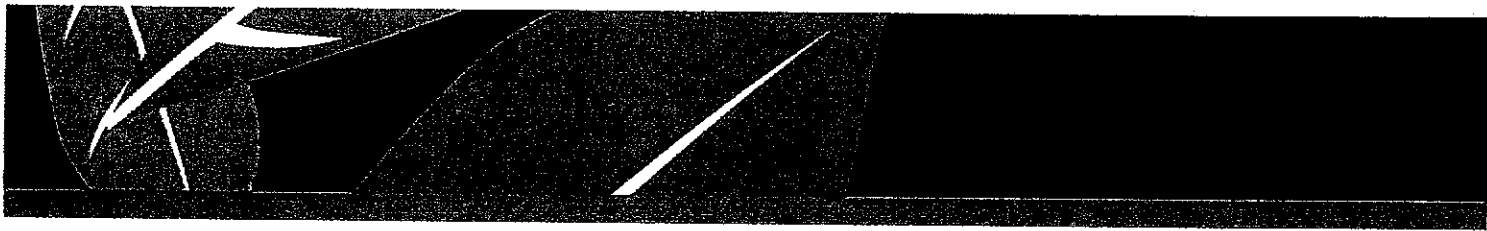
To avoid unnecessary complications to regional commerce, the conditions for sale or hire of things in the ACT have been aligned with the NSW requirements. Under Section 40 of the Regulation, things sold or hired in the ACT must meet the requirements for sale in NSW as set out in the New South Wales *Protection of the Environment Operations Act 1997* covering plant, motor or other vehicles, and vessels.

12. GLOSSARY OF TERMS

The definitions of the terms listed in this glossary are provided to assist in reading this EPP. For the formal legal definition of the terms marked with an asterisk (*), refer to the Act and for those italicised refer to the Regulation.

<i>Term</i>	<i>Definition</i>
activity	A current or proposed activity including a process, operation, project or venture
affected person ¹	The occupier of an affected place, and includes a person who is lawfully on unleased or public land, which is subject to excessive noise
approval	A licence, lease, permit or other instrument under a law of the Territory authorising the conduct of an activity on specified public land
building work ¹	Work in relation to the erection, alteration or demolition of a building, and includes disposal of waste materials generated— i) by the alteration of a building other than a building excluded under the Building Regulations; or ii) by the demolition of a building (but not part of the building); or iii) work in relation to repairs of a structural nature to a building
compliance point ¹	The point at which noise from an activity must not be excessive
dB(A)	dB (decibel) is the logarithmic unit for sound measurement. dB(A) is a unit used for "A-weighted" sound pressure levels. The A-weighting is an adjustment made to approximate the frequency response of the human ear
EPA*	Environment Protection Authority - a statutory office established under Part 2 of the Act to administer the Act
emergency plan*	A plan to deal with the foreseeable but unplanned entry into the environment of unauthorised pollutants
environmental authorisation*	A form of licence to conduct an activity which has a significant potential to cause environmental harm
environmental protection agreement*	A formal, but non-contractual, agreement between the EPA and a business to give effect to the Objects of the Act

Term	Definition
environment protection order*	An instrument, issued by the EPA where the EPA is satisfied that a person has breached the Act or an authorisation condition, specifying that certain actions be or not be taken
EPP*	Environment Protection Policy
financial assurance*	A financial assurance (e.g. bank guarantee, bond) provided to the EPA by an authorisation holder where there is a likelihood that action will be required to remedy environmental harm caused by the authorised activity
$L_{A10,T}$	The A-weighted sound pressure level that is exceeded for 10% of the time over which a given sound is measured by a precision sound level meter. Where T is the length of the measurement time period in minutes
Noise causing environmental harm'	Noise from an activity which exceeds the noise standard, or a different standard where that standard is specified in an environmental authorisation or approval, at the applicable compliance location
noise standard'	The maximum level of noise as measured at the applicable compliance location which may be generated by an activity being undertaken in the relevant noise zone. Table 2.2 of Schedule 2 of the Regulation defines zone noise standards
noise zone'	A parcel of land determine by land use policies in the Territory Plan to which a single noise standard applies. Table 2.1 of Schedule 2 of the Regulation defines noise zones
permitted activity	Day to day activities which are permitted to exceed the noise standard subject to certain conditions, as specified in Table 2.3 of Schedule 2
person causing noise	Noise from an activity by a person who is legally present or in control of premises where the noise is emitted
unit'	Part of a parcel shown in a unit title application or a units plan as a unit
vertical plane of the site boundary	The site boundary extends up in a vertical line from the ground, perpendicular to the horizon



13. REFERENCES

Environment Protection Act 1997

Environment Protection Regulation 2005

ACT Noise Measurement Manual, EPA 2009

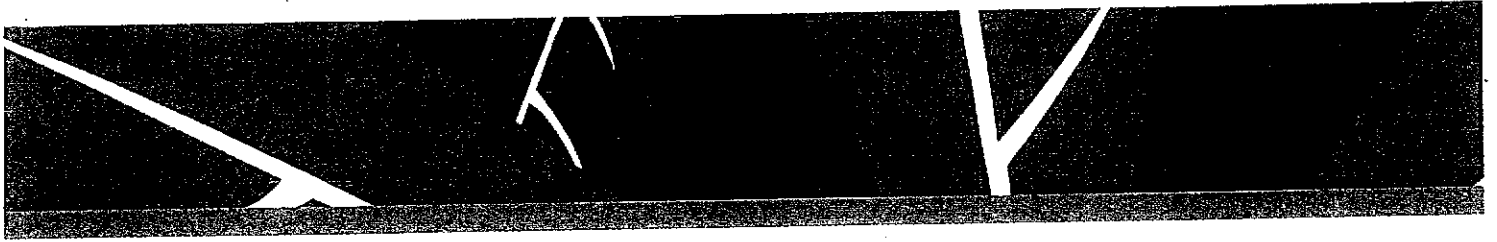
General Environment Protection Policy, EPA August 2007

Outdoor Concert Environment Protection Policy, EPA February 2001

Motor Sport Environment Protection Policy, EPA October 2002

ACT Environment Protection information sheets

Australian Standard 2436-1981: Guide to noise control on construction, maintenance and demolition sites



191

Noise in Residential Areas

Issued: 22 September 2009

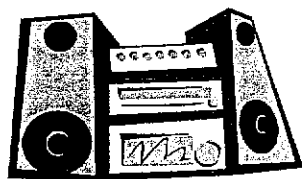
Sport, entertainment, commercial and domestic activities can generate levels of noise ranging from being a nuisance to actually damaging people's health. Neighbourhood noise (generated by air-conditioning units, stereos, maintenance work, hobbies, etc) is a common cause of noise related complaints.

The *Environment Protection Act 1997* (the Act) and the *Environment Protection Regulation 2005*, aim to protect people from undue noise whilst enabling them to carry out business and social activities.

This legislation does not apply to noise generated by aircraft (including hot air balloons), cars on public roads, animals and people (e.g. rowdy behaviour).

For enquiries or complaints regarding these types of noise please ring:

Source of Noise	Authority	Contact Number
People	Australian Federal Police	(02) 6256 7777
Animal	Domestic Animal Services	13 22 81
Aircraft (including hot air balloons)	Air Services Australia	1 800 802 584
Cars (traffic)	Road User Services	13 22 81
Patron Noise from Licensed Venue	Office of Regulatory Services	(02) 6207 0562



Noise emission standards established under the Act apply to any other noise generated within residential premises. Noise levels are measured in decibels dB(A). The following table gives an indication of noise levels:

Activity/Object	dB(A)
Quiet Bedroom	20-30
Daytime levels in quiet residential area	35-45
Busy central office	50-60
Lawn mower at 15 metres	70
Jack hammer at 1 metre	100
Jet aircraft taking off at 25 metres	140



NOISE STANDARDS

(Note: The following covers the most common residential situations only. Further information is available from the Environment Protection Authority.)

The ACT has been divided into noise zones based on land uses approved in the Territory Plan. Noise Standards have been set for each zone based on planning guidelines, Australian standards, interstate practice and noise monitoring data. The standards permit the highest noise levels in industrial areas and are most stringent in residential areas. The following noise standards must not be exceeded at the lease boundary of the land from which the noise is being emitted:

Location	7am-10pm (8am-10pm Sunday & Public Holidays)	10pm-7am (10pm-8am Sunday & Public Holidays)
Civic centre and other major town centres (Belconnen, Gungahlin, Woden and Tuggeranong)	60 dB(A)	50dB(A)
Group centres such as Dickson and Kingston	55 dB(A)	45dB(A)
Smaller local centres such as Griffith and Lyneham	50dB(A)	35dB(A)
Residential Areas	45dB(A)	35dB(A)

Additionally, if the noise is being emitted from a unit (such as a flat or a townhouse) located within a multi-unit complex, the noise standard decreases by 5dB(A) and must comply inside any other unit in the same complex. Any noise generated within the common use areas of such complexes is a matter for the body corporate to deal with.

If a residence borders non-residential land (e.g. a residential block adjacent to local shops), or if it is located on non-residential land, different standards may apply.



Some activities that are acceptable to the community make noise above the permitted standards. These activities may be conducted in residential areas provided they comply with the following conditions.

Activity	Conditions
Garden maintenance or improvement*(use of lawnmowers and other garden equipment)	7am-8pm Monday to Saturday 8am-8pm Sunday and Public Holidays
Maintenance or repair work*(use of power tools, etc)	7 am-8 pm Monday to Saturday 8 am-8 pm Sunday and Public Holidays Noise exceeding the standard may only be emitted for up to 40 hours in any 8 week period.
New Year's Eve Parties	6 pm 31 December-12.30 am 1 January Any noise emitted does not exceed 60dB(A) at the lease boundary.
Warming up of motor vehicle engines	May exceed the standard for no longer than 5 minutes except if the vehicle's operating manual specifies a longer period.
Building work in residential areas	Completed in less than 2 weeks 7 am-8 pm Monday to Saturday 8 am-8 pm Sunday and Public Holidays Completed in more than 2 weeks 7 am-6 pm Monday to Saturday No noise exceeding the standard permitted on Sundays and Public Holidays
Building work in industrial, city and town centre areas**	6 am-8 pm Monday to Sunday and Public Holidays
Garbage collection in residential areas	7 am-10 pm
Commercial garbage collection in**: Industrial areas City and Town Centres Manuka and Kingston Group Centres Other Group Centres	Anytime 2 am-10 pm 5 am-10 pm 6 am-10 pm

*Any equipment used must be maintained and operated according to the manufacturer's specifications.

**Please note that if a residence borders non-residential land (e.g. a residential block adjacent to local shops), or if it is located on non-residential land, different noise standards may apply for certain activities

For more information regarding Noise Standards refer to Schedule 2 of the Environment Protection Regulation 2005.

EXCESSIVE NOISE—WHAT CAN BE DONE?

Initially, you should try to solve the problem by discussing it with whoever is causing the noise. Alternatively, you may wish to initiate mediation through the Conflict Resolution Service who can be contacted on 6162 4050. Where the noise problem cannot be resolved through these mechanisms, you may lodge a complaint with the Environment Protection Authority (EPA). A complaint regarding noise pollution will be considered by the EPA only if it is made by a person affected by the noise.

To register a complaint, you must identify the source of the noise before phoning the EPA. The first stage in investigating the complaint is for the EPA to send out a letter advising the alleged noise producer of their responsibilities under the Act and invite them to discuss the matter. In most cases the matter can be resolved at this stage.

Following this, if another noise complaint is received, the complaint needs to be validated by the EPA. This involves the EPA visiting the site and taking a valid noise measurement. If validated, a warning letter or on-the-spot fine may be issued, or, depending on the

circumstances, an Environment Protection Order (EPO) may be issued. A breach of an EPO is a serious offence. If the noise continues to be a problem, it could lead to prosecution in court.

AVOID PRODUCING EXCESSIVE NOISE

When purchasing and installing reverse cycle air conditioners, heat pumps, pool pumps, evaporative coolers, etc, ensure that you consider the location in relation to neighbours. Seek advice from the installer on whether the unit will comply with noise standards in the proposed location, or contact the EPA for further information.

For more information regarding the installation of air conditioning units, refer to the Australian Institute of Refrigeration, Air Conditioning and Heating Inc, Air Conditioning Residential Best Practice Guidelines for the ACT.

For more information contact the Environment Protection Authority by calling Canberra Connect on 13 22 81.



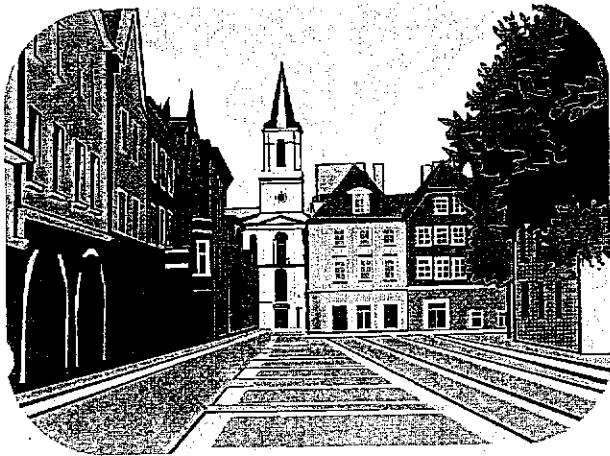
Sound in the City

1890
Issued: 1 October 2009

City and town centre areas are great places to live because of proximity to shops, restaurants, transport, employment and entertainment. This mix of uses contributes to a vibrant and exciting city. If you are considering relocating to the city or town centre area, it is important to think about the sounds generated by these activities.

Noise may be defined as unwanted or undesirable sound. Noise is not the same for all people – sounds that are acceptable for some may be intolerable to others. City and town centre noise is often associated with sounds such as garbage collection, construction and traffic, but can include people sneaking, stereo noise from neighbours, music from leased premises or the occasional major event.

Noise can have a range of effects on health and wellbeing, particularly when sleep is interrupted. Some effects of noise include stress, annoyance and tiredness. The perception of noise is an individual thing, making it important to consider your own perception of sounds that annoy or disturb you.



MOVING INTO CITY OR TOWN CENTRE AREAS

If you have decided you want to live in the city or town centre area, you should explore the neighbourhood in which you intend to move. Consider spending a night in a hotel or apartment, preferably close to where you intend to live. This will give you the opportunity to experience and listen to the activities that make the city a vibrant place. If possible, choose a hotel or apartment offering windows that open or a balcony, so you can experience the sounds of the city at night.

Also, be aware that development is ongoing in city and town centre areas therefore changes may occur in your neighbourhood at any time. For example the corner restaurant may become a nightclub or the adjacent office building may be demolished and replaced with residential units. It is important to investigate the opening hours of the following potential noise sources that may be located nearby.

Clubs, Hotels and Bars

Check the location of any late night entertainment venues around your city block and the hours of operation. It is not only noise from music that can disturb residents, but also bottle collection and patrons leaving the venue at odd hours.

Car Parks

If a car park operates after 10pm or before 7am, there is potential for it to cause sleep disturbance, particularly if the car park opens onto a narrow street or alley adjacent to your property. Check the location of car parks in relation to your property.

Roads and Bus Routes

All roads in the city have the potential for traffic movements at night. It may take only one vehicle passing late at night to disturb your sleep. You may also need to consider the late night and early morning movement of traffic and the routes taken by pedestrians to and from bus stops.

Waste Removal

Residences and businesses in the city generate a large quantity of waste. If rubbish bins are located close to a residential property there is an increased possibility of sleep disturbance from early morning waste collection. Consider the location, number of bins, waste collection routine and number of collections per week. City and Town Centre collection is allowed from 2am-10pm and 5am-10pm in Manuka and Kingston Group Centres.

Air Conditioning and Ventilation Equipment

Commercial and residential buildings in the city often have externally located fans or air conditioning cooling towers. Noise from this equipment should be assessed during summer months.

Building Work

Building work is allowed from 6am to 8pm Monday to Sunday and Public Holidays in city and town centre areas.



UNDERSTANDING NOISE

The *Environment Protection Act 1997* (the Act) and the *Environment Protection Regulation 2005*, aim to protect people from undue noise whilst enabling them to carry out business and social activities.

This legislation does not apply to noise generated by aircraft (including hot air balloons), cars on public roads, animals and people (e.g. rowdy behaviour). For enquiries or complaints regarding these types of noise please ring:

Source of Noise	Authority	Contact Number
People	Australian Federal Police	(02) 6256 7777
Animal	Domestic Animal Services	13 22 81
Aircraft (including hot air balloons)	Air Services Australia	1 800 802 584
Cars (traffic)	Road User Services	13 22 81
Patron Noise from Licensed Venue	Office of Regulatory Services	(02) 6207 0562

Noise emission standards established under the Act apply to any other noise generated within residential premises. Noise levels are measured in decibels dB(A). The following table gives an indication of noise levels:

Activity/Object	dB(A)
Quiet Bedroom	20-30
Daytime levels in quiet residential area	35-45
Busy central office	50-60
Lawn mower at 15 metres	70
Jack hammer at 1 metre	100
Jet aircraft taking off at 25 metres	140

NOISE STANDARDS

The ACT has been divided into noise zones based on land uses approved in the Territory Plan. Noise Standards have been set for each zone based on planning guidelines, Australian standards, interstate practice and noise monitoring data. The standards permit the highest noise levels in industrial areas and are most stringent in residential areas.

The following noise standards must not be exceeded at the lease boundary of the land from which the noise is being emitted:

Location	7am-10pm (8am-10pm Sunday & Public Holidays)	10pm-7am (10pm-8am Sunday & Public Holidays)
Civic centre and other major town centres (Belconnen, Gungahlin, Woden and Tuggeranong)	60 dB(A)	50dB(A)
Group centres*	55 dB(A)	45dB(A)

*Group Centres include Calwell, Chamwood, Chisholm, Conder, Curtin, Dickson, Erindale, Hawker, Jamieson, Kaleen, Kambah, Kingston, Kippax, Manuka, Mawson, Wanniasa, Weston

Additionally, if the noise is being emitted from a unit (such as a flat or a townhouse) located within a multi-unit complex, the allowed noise decreases by 5dB(A) and must comply inside any other unit in the same complex. Any noise generated within the common use areas of such complexes is a matter for the body corporate to deal with.

EXCESSIVE NOISE—WHAT CAN BE DONE?

Initially, you should try to solve the problem by discussing it with whoever is causing the noise. Alternatively, you may wish to initiate mediation through the Conflict Resolution Service who can be contacted on 6162 4050. Where the noise problem cannot be resolved through these mechanisms, you may lodge a complaint with the Environment Protection Authority (EPA). A complaint regarding noise pollution will be considered by the EPA only if it is made by a person affected by the noise.

To register a complaint, you must identify the source of the noise before phoning the EPA. The first stage in investigating the complaint is for the EPA to send out a letter advising the alleged noise producer of their responsibilities under the Act and invite them to discuss the matter. In most cases the matter can be resolved at this stage.

Following this, if another noise complaint is received, the complaint needs to be validated by the EPA. This involves the EPA visiting the site and taking a valid noise measurement. If validated, a warning letter or on-the-spot fine may be issued, or, depending on the circumstances, an Environment Protection Order (EPO) may be issued. A breach of an EPO is a serious offence. If the noise continues to be a problem, it could lead to prosecution in court.

For more information contact the Environment Protection Authority by calling Canberra Connect on 13 22 81.



Live Music and Entertainment Noise

Issued: 6 October 2009

Noise from live performances and entertainment venues can disturb household activities, disrupt sleep and interfere with business activities. If the noise is particularly loud, penetrating or prolonged, the impacts can cause irritation and annoyance. It is essential that noise from live music and entertainment venues is managed in a way that promotes and ensures a balance between the use and enjoyment of music venues and the protection of amenity for surrounding businesses and neighbouring households.

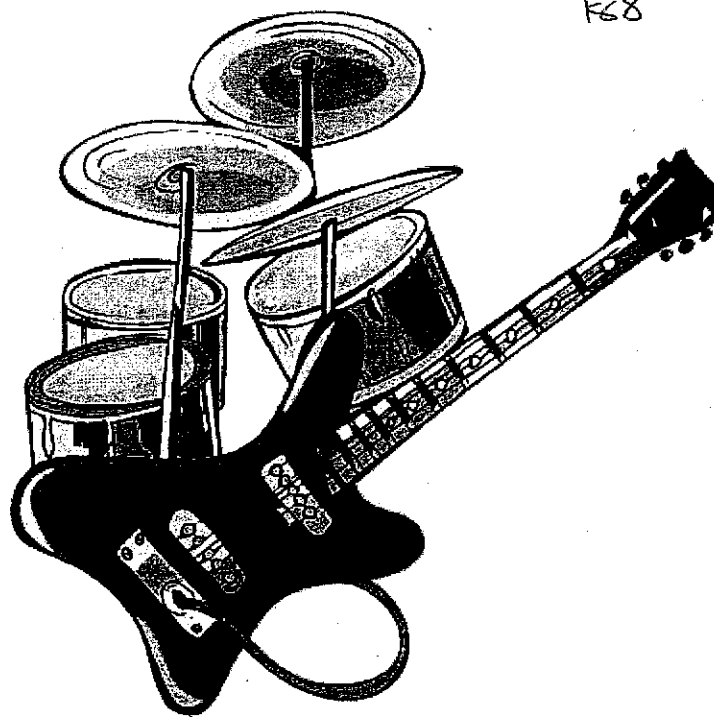
WHAT YOU NEED TO KNOW

Existing venue managers and those looking to enter the industry need to understand the fundamentals of ACT laws applicable to noise emanating from indoor entertainment and live music performances. Outdoor concerts, or outdoor entertainment using amplified equipment, should generally conform to the conditions set out in the ACT Environment Protection Authority's Outdoor Concert Noise Environment Protection Policy of November 1998. The policy can be accessed through the Department of the Environment, Climate Change, Energy and Water Website at: www.environment.act.gov.au

Environmental noise, including music noise, is regulated under the *Environment Protection Act 1997* (the Act). However, noise generated by people talking, laughing and yelling, such as patrons at outdoor events, is not covered by the Act. In situations where people noise or behaviour is believed to be unreasonable, the Australian Federal Police (phone 02 6256 7777) and, in the case of patrons on and adjacent to liquor licensed premises, Office of Regulatory Services (phone 02 6207 0562) are the responsible regulatory authorities.

Noise levels are measured in decibels, dB(A). The table below is an indicative guide to the usual decibel levels of some common everyday activities.

Activity/Object	dB(A)
Quiet Bedroom	20-30
Daytime levels in quiet residential area	35-45
Conversation at 1 m	50
Busy central office	50-60
Lawn mower at 15 metres	70
Jack hammer at 1 metre	100
Jet aircraft taking off at 25 metres	140



PERMISSIBLE NOISE LIMITS

Under the Act, permissible noise limits vary according to the approved land use zone in which the activity is located. The following limits must not be exceeded at the boundary of the land from which the noise is originating.

Location	7am-10pm (8am-10pm Sunday & Public Holidays)	10pm-7am (10pm-8am Sunday & Public Holidays)
Civic centre and other major town centres (Belconnen, Gungahlin, Woden and Tuggeranong)	60 dB(A)	50dB(A)
Group centres such as Dickson and Kingston	55 dB(A)	45dB(A)
Smaller local centres such as Griffith and Lyneham	50dB(A)	35dB(A)
Residential Areas	45dB(A)	35dB(A)



WAYS TO MINIMISE NOISE ORIGINATING FROM YOUR VENUE

- Be aware of the permissible noise limits and operating times for your area and ensure that these limitations are complied with.
- Wherever possible locate amplifiers, etc away from more sensitive areas, or at least ensure that they are projecting into the venue and not facing property boundaries.
- Keep windows and doors shut during the activity to reduce the amount of noise that can be heard from your venue, and install double-glazing or investigate other sound-proofing measures such as air locks at entry and exit points to premises.
- Consider whether you may have a different and more appropriate location available for a live performance, or if it would be preferable to select a quieter entertainment activity as an alternative.
- Engage the services of an accredited acoustic consultant to develop a specific Noise Management Plan for your venue, individually tailored to the type of live music activity that you generally host. An acoustic engineer could also provide advice on possible means to contain or restrict the distance over which low-frequency noise is able to penetrate.
- Be prepared to discuss any issues that may arise with affected parties and seek an amiable resolution or compromise wherever possible.

MANAGING COMPLAINTS

In the case of excessive noise, a complaint may be lodged with the Environment Protection Authority (EPA). A complaint regarding noise pollution will be considered by the EPA, **only if it is made by a person affected by the noise**. The EPA will investigate the problem and a warning letter, on-the-spot fine, or depending on the circumstances, an Environment Protection Order may be issued. If the noise continues to be a problem, it is a serious offence and could lead to prosecution in court.

For more information contact the Environment Protection Authority by calling Canberra Connect on 13 22 81.





OUTDOOR CONCERT NOISE

ENVIRONMENT PROTECTION POLICY

February 2001



AUSTRALIAN CAPITAL TERRITORY
GOVERNMENT

OUTDOOR CONCERT NOISE ENVIRONMENT PROTECTION POLICY

OUTDOOR CONCERT VENUE ENVIRONMENT PROTECTION POLICY

NOTE: This Environment Protection Policy (EPP) will be notified as an amendment to the Noise EPP and will form Schedule 2 to that EPP. An abridged Glossary of Terms for the Noise EPP has been attached to assist in reading this document. Terms used in the Policy which are defined in Schedule 2 of the *Environment Protection Act 1997* are in **bold**. Additional terms defined in the Policy are underlined.

1. Background and Application

Open-air entertainment, including amplified **concerts** has social and cultural value. However the amplification of voice and instrumental music, together with applause and other audience response, can result in excessive and even offensive noise at neighbouring or nearby premises, particularly where these are residential premises.

While a number of steps can be taken to reduce the adverse impact of concert noise, such as the location of the stage, direction of the speakers and the reduction in low-frequency (bass) sounds, the noise levels may still be considered as intrusive. Noise in excess of the **zone noise standard** can be expected at outdoor **concert venues** capable of providing the facilities required for such significant community events within the ACT.

This Policy has been developed to balance the need to provide adequate protection to the amenity of neighbouring residents from outdoor **concert** noise with the rights of the broader community to enjoy significant events in accordance with the objects of the *Environment Protection Act 1997* (the Act).

A number of **concert venues** with sufficient facilities and infrastructure necessary to conduct significant outdoor **concerts** exist within the ACT. A broader approach is required to ensure a balance between community expectations and protection of environmental standards.

The Act and this Policy empower the EMA to grant **environmental authorisations** for unlimited periods for the following major venues:

OUTDOOR CONCERT NOISE ENVIRONMENT PROTECTION POLICY

- Bruce Stadium; and
- Exhibition Park in Canberra.

2. Single Event Authorisations

Applications for authorisations to conduct single outdoor concert events will be considered for other public venues capable of holding more than 2,000 persons. These **environmental authorisations**, which will permit single outdoor concert events will contain conditions consistent with this Policy.

Outdoor concert venues capable of holding fewer than 2,000 people do not require an environmental authorisation but must comply with zone noise standards under the *Environment Protection Act 1997*

Standard environmental authorisations have been granted for the conduct of outdoor **concerts** at various existing venues in Canberra. Conditions in the environmental authorisations are set having regard to historical use and the likely impact on residential amenity in the vicinity of the venues.

3. Compliance Location

The major adverse environmental impact

from noise from outdoor concerts is on residential areas located in the vicinity of the outdoor **concert venue**.

The purpose of this Policy is to limit the **environmental harm** potentially caused by noise from outdoor concerts. To take due account of economic and social considerations, a **compliance location** is established for each venue. This **compliance location** is in or near existing residential properties most affected by the noise. The **compliance location** may be varied to take into account special noise-sensitive premises, for example hospitals.

Concerts at existing outdoor **concert venues** are generally unable to comply with **zone noise standards** at their lease boundaries.

OUTDOOR CONCERT NOISE ENVIRONMENT PROTECTION POLICY

Environmental authorisations which permit outdoor **concert events** to emit noise in excess of the **zone standard** will specify the relevant **compliance location** and conditions relating to the noise the **events** may generate at that location as conditions of the authorisation.

4. Measures to Limit Adverse Environmental Impact

A number of factors contribute to the degree of adverse impact on residential areas from noise emitted during outdoor **concert events**:

- the level and nature of the noise;
- the number of **events** each year;
- the time at which the **event** takes place;
- the spread of **events** during the year; and
- the amount of warning ("prior notification") provided to residents about upcoming **events**.

The Policy deals with each of these factors. The proposed measures have been developed to provide certainty both to people undertaking outdoor **concerts** in venues capable of holding more than 2,000 persons and to the people affected by the noise from such activities. The conditions described below will be applied only to **events** which generate noise in excess of the **zone noise standard** at the **compliance location**. There are no restrictions on **events** which do not exceed the **zone noise standard** as defined in the Act and Regulations.

4.1. Level of the noise

Restrictions in this Policy on the level of noise from outdoor concerts at the **compliance location** are expressed as **dB(A)** above the **noise trigger level** applying at the **compliance location**. The noise trigger level for outdoor concerts will be 50 dB(A) (L_{A10T}).

In general, the greater the amount by which noise exceeds the **noise trigger level**, the greater the **environmental harm** caused. The Policy permits noise levels which exceed the **noise trigger level** by

OUTDOOR CONCERT NOISE ENVIRONMENT PROTECTION POLICY

varying amounts, but requires a reduction in the total number of events held if noisier events are to be held. This balancing of factors is achieved through the event credits scheme outlined in Section 4.2 below.

The EMA will not authorise an event that is likely to produce noise which exceeds 65 dB(A) (L_{A10T}) at the **compliance location** for 15 minutes or longer.

Outdoor **concerts** will be required to finish by 11 pm. On New Year's Eve, events are permitted without **environmental authorisations** between 6 pm on 31 December and 12.30 am on 1 January, provided noise levels do not exceed 60 dB(A) (L_{A10T}) at **compliance locations**.

An **environmental authorisation** will be required on New Year's Eve for noise greater than 60 dB(A) but less than 65 dB(A) (L_{A10T}). Authorised events on New Year's Eve must finish by 12.30 am on 1 January.

Sound tests other than rehearsals [see Section 4.3] may be conducted for a maximum period of 60 minutes between the hours of 9.00 am and 6.00 pm.

The use of public display fireworks at outdoor concerts must be completed by 10 pm except on New Year's Eve where the fireworks display must be completed by 12.30 am on 1 January.

The noise from the fireworks will be excluded from the event's noise monitoring.

4.2. Number of events each year

Each outdoor **concert venue** will be allocated a certain number of event credits each year. The year is defined as 1 July to 30 June. Event credits will be needed for any event which generates noise above the noise trigger level at the **compliance location**. A number of event credits may be needed to hold an event, depending upon the event's duration and the noise level generated.

The number of event credits allocated to each venue annually is calculated to enable a balance between protecting residential amenity and permitting outdoor concerts that are enjoyed by a substantial section of the community.

OUTDOOR CONCERT NOISE ENVIRONMENT PROTECTION POLICY

The number of event credits shown below is the total number available for each venue for all events (including outdoor concerts) which require event credits.

Outdoor Concert Venue	Number of event credits per annum
Bruce Stadium	10
Exhibition Park in Canberra	10

4.3. The Use of Event Credits

One event credit will be needed for every 5 dB(A) by which event noise exceeds the noise trigger level.

The effect of exceeding the noise trigger level and extending beyond 4 hours has a cumulative effect on the use of event credits.

Events which extend beyond 4 hours require two event credits. Three event credits are required if the duration of an event exceeds 8 hours, and so on.

Individual rehearsals will be treated as an event under this Policy and may not exceed two hours in duration.

Examples

An event which runs from 1 pm to 4 pm and exceeds the noise trigger level by 5 dB(A) will require 1 event credit.

An event which runs from 6 pm to 11 pm and exceeds the noise trigger level by 15 dB(A) will require 6 event credits.

An event which runs from 9 am to 6 pm and exceeds the noise trigger level by 10 dB(A) will require 6 event credits.

The actual event credits used by a particular event will be deducted from the annual total for the particular **concert venue** immediately after the event is held.

An event will not be permitted unless the balance of event credits for the particular **concert venue** is more than, or equal to, the number of event credits still

OUTDOOR CONCERT NOISE ENVIRONMENT PROTECTION POLICY

available for all events which have been advertised for the **concert venue**.

If the actual number of event credits used by an event do exceed the balance remaining for the **concert venue**, the excess will be deducted from the next year's allocation of credits and no further events will be permitted at the **concert venue**. Any unused event credits at the end of the year do not accrue to the next year.

OUTDOOR CONCERT NOISE ENVIRONMENT PROTECTION POLICY

4.4. Spread of events during the year

Authorisations will contain the following limits to ensure a reasonable spread of events at a facility:

- no more than six event credits may be used in any six week period;
- events conducted on days other than a Friday or Saturday will be restricted to three events per year.

4.5. Prior Notification

Prior notification of upcoming events assists residents affected by noise from outdoor concerts to organise their activities to minimise the adverse impact of that noise.

Authorisation holders for Bruce Stadium, Exhibition Park in Canberra and most other locations will be required to advertise, in a daily newspaper circulated in the affected area, any upcoming events at least eight weeks in advance of the event.

For other locations where there are only a relatively small number of **affected occupiers**, the authorisation may provide for direct notice to these persons.

Authorisations will also include a condition that the **EMA** be provided with a copy of the newspaper advertisement and/or notice to **affected occupiers** not later than two working days after the advertisement appeared in the newspaper or the notice was delivered to **affected occupiers**.

Authorisations may provide that, in advertising an upcoming event, the authorisation holder may nominate an alternate date for the event if the original date of the event is cancelled. Should the original event be cancelled for this reason, an equivalent event can be held on the alternate date with no additional cost in event credits.

Where the authorisation holder wishes to cancel an event, the authorisation may provide that event credits will be reinstated if the cancellation is advertised at least two weeks before the event was due to be held.

OUTDOOR CONCERT NOISE ENVIRONMENT PROTECTION POLICY

The authorisation will provide that the **EMA** be advised within two working days of the placement of any advertisement notifying this type of cancellation.

Where an event is cancelled due to factors beyond the control of the authorisation holder, the authorisation may provide that event credits will be reinstated. The authorisation will require that the **EMA** be advised immediately of cancellation and may impose requirements to advise **affected occupiers**.

5. Demonstrating Compliance

Authorisation holders will be required to demonstrate that the outdoor **concert events** they hold comply with the conditions of their authorisation by monitoring events and making the results available to the **EMA**.

Alternatives to monitoring at the **compliance location** may be acceptable where it can be shown that the alternative unambiguously demonstrates compliance at the **compliance location**. For example, monitoring inside the **concert venue** at selected locations could be an acceptable alternative provided that it can be shown by a noise expert, using modelling and confirmed by field tests, that a reproducible relationship exists between noise levels at those selected locations and, those at the **compliance location**.

OUTDOOR CONCERT NOISE ENVIRONMENT PROTECTION POLICY

6. Glossary Of Terms

The definitions of the terms listed in this Glossary are provided to assist in reading this EPP. For the formal legal definition of the terms marked with an asterisk (*), refer to Section 4 of the Act and for those marked with a ♦, refer to Regulation 3.

Term	Definition
affected occupier ♦	The occupier of land, including or any person lawfully on unleased or public land, which is subject to excessive noise.
compliance location ♦	The location at which noise from an activity must not be excessive.
dB(A)	The abbreviation dB represents decibels, the logarithmic unit of measurement of sound pressure level. The dB(A) is the sound pressure level obtained with a sound level meter using an A-weighted electrical filtering network, which approximates the frequency response of the human ear.
EMA*	Environment Management Authority - a statutory office established under Part II of the Act to administer the Act.
environmental authorisation*	A form of licence to conduct an activity which has a significant potential to cause environmental harm.
environmental harm*	Any impact on the environment as a result of human activity that has the effect of degrading the environment (whether temporarily or permanently).
EPP*	Environment Protection Policy
event	An "event" is the conduct of an outdoor concert, using amplifying equipment, in a venue capable of holding more than 2,000 persons. "Event" also includes rehearsals.
event credit	A unit used in the Outdoor Concert Noise EPP to determine how many events, under specified conditions, can be held at an outdoor concert venue.
excessive noise ♦	The noise from an activity which exceeds the zone noise standard, or a different standard where that standard is specified in an environmental authorisation or approval, at the applicable compliance location.
L_{A10T}	The dB(A) level exceeded for 10% of the specified time period T and is often used as the descriptor for a noise under investigation. It is similar to the average of the maximum noise levels.
noise expert	An accredited acoustical consultant, experienced in environmental noise assessment, who is a member of the Australian Acoustical Society.
noise trigger level	The noise level above which event credits will be used. For outdoor concerts the noise trigger level will be 50 dB(A) (L_{A10T}).
noise zone ♦	A parcel of land determined by land use policies in the

OUTDOOR CONCERT NOISE ENVIRONMENT PROTECTION POLICY

Term	Definition
	Territory Plan to which a single zone noise standard applies. Table 1 of Schedule 2 of the Regulations defines noise zones.
rehearsal	A performance beforehand for the purpose of practice or drill which uses the main speaker system.

OUTDOOR CONCERT NOISE ENVIRONMENT PROTECTION POLICY

Term	Definition
sound test	The testing of sound levels and the acoustic properties of an outdoor concert venue for the purposes of obtaining information of the likely impact of concert noise at the compliance location.
zone noise standard ♦	The maximum level of noise as measured at the applicable compliance location which may be generated by an activity being undertaken in the relevant noise zone. Table 1 of Schedule 2 of the Environment Protection Regulations defines zone noise standards.



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By Ron

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compiled by MATTHEW HEATH

Call to arms

Last week, ArtsACT invited a select group of people close to the Canberra music scene to a forum about the state of the live music in the capital. The forum was run in parallel to the ACT Government's inquiry into live community events and attracted musicians, venues, concert promoters, educators and media representatives.

Not surprisingly, the message from those in attendance was resoundingly clear: not enough is being done at a bureaucratic level in Canberra to foster a vibrant live music scene.

Live music is an important part of any city's cultural and artistic fabric. It promotes creativity, creates employment and offers an outlet for entertainment, particularly for young people.

While there are many people in our community working tirelessly to change Canberra's reputation among under-30s as the nation's capital of tedium, they are facing an increasing range of barriers at all levels.

Many of these were raised at last week's forum: inflexible and out-of-touch noise regulations, inequitable building code legislation in regards to sound proofing, the complete lack of recognition of order of occupancy, proposed liquor licensing laws that would categorise live music venues as "high risk", a critical shortage of venues and rehearsal space, restrictions on gig advertising, lack of late-night transport and the absence of an over-arching music industry body.

Already Canberra has lost beloved live music venues such as Gypsy Bar and Toast thanks to a lack of legislative support, and the Transit Bar is next in the firing line. This is despite all these venues existing before the arrival of their complaining inner-city neighbours.

Then there's the Block Party event at Dickson Trinity Bar

shelved this year because of a couple of noise complaints, last year's Indifest at The Basement which was shut down for the same reason, and the many venues and promoters that have pared back live music for risk of fines and a lack of incentive.

The direct result is international and national acts bypassing Canberra on tours and home-grown acts skipping town in order to survive.

More than 1000 people have joined a "I Want to Help Shape the Future of Music in Canberra!" Facebook group. But the ACT Government's interdepartmental committee, headed by Labor MLA Mary Porter, has so far only received 27 public submissions. With more large-scale developments planned for Canberra's town centres, and changes in train for the ACT's liquor licensing laws, it is now more important than ever for supporters of live music in Canberra to make themselves heard.

Submissions to the inquiry can be lodged with committee secretary Nicola Derigo by email at committees@act.gov.au and should include your full name, postal address and telephone number.

Very cool

The assorted talents of guitar genius **Jeff Lang**, roots rockers **Blue King Brown** and reggae maestro **Mista Savona** will get the snow season off to a flying start when they headline the second Snowy Mountains of Music festival in June. The trio will join a high-quality and diverse list of national and local acts at the June 11-14 event at Perisher and Smiggins, including **Mick Thomas**, **The Crooked Fiddle Band**, **Jan Preston**, **Chase The Sun** and **The Barons of Tang**. Organisers launched the nation's "coolest" festival (there was actually snow at last year's event) in NewActon on Tuesday. Earlybird tickets and packages are on sale now.

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ARTICLES

FROM THE BOSSMAN

Date Published: Tuesday, 30 March 10 | Author: Allan Sko | 3 weeks ago

By the time you read this, I will have sat on a panel of my peers (including notable venues owners and organisers of some of Canberra's most exciting events) to discuss "the reduction of barriers to live music", which is basically your atypical longwinded government departmental way of saying "giving live music a fair crack".

"Yes, and about time too," I hear you chorus. Some of you are well aware, others are probably too pissed to notice, but a lot of our venues are doing it tough out there, subjected to sound complaints from neighbours who not only got there after the venues, but don't need to adhere to the same kind of strict sound proofing. Hardly fair, I hear you cry. Well, that's the way we've set it up apparently. Since the closure of The Greenroom and Toast (among others) Canberra has hardly been spoilt for choice for entertainment shacks, we're missing out on many a touring act, and current legislation is certainly not helping out.



Now get me not wrong; I'm all for a good night's sleep as much as the next old man (and after this deadline, combined with an eye-ful of Lady Gaga to follow, I'd need a good lie down) but the laws are skewed and must be tweaked.

So, a small step in the right direction has been made. Stay tuned for more as events unfold.

ALLAN "120db" SKO

« From the Bossman Next

Previous From the Bossman »

SEARCH



James Keelaghan CDs

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From the Bossman
Hey gang! Check THIS out. I've just figured out a way to bat your eyelids in cyberspace: :) :) :) :) Pretty ...
From the Bossman | 1 week ago

From the Bossman
Youth Week is nearly upon us; a wonderful time where we can share our collective disappointment at where the human race is headed. I ...
From the Bossman | 1 month ago

From the Bossman
We all know about having a jolt from the blue; a moment of inspiration, a personal epiphany that strikes us from nowhere. It can ...
From the Bossman | 1 month, 2 weeks ago

From the Bossman
Well DAY-m! Canberra's got itself a big shiny pair of entertainment balls to start the new decade. The mighty cannons of the promotional world ...
From the Bossman | 2 months ago

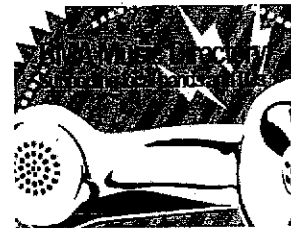
MORE STUFF ...

Tim Minchin
Perth-born, London-based Tim Minchin is a man of comedy, music and movement – and he's bringing his new keyboard axe ...
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Axwell
Each week Beatport adds thousands of new tracks to its already outstanding catalogue. The online music store is recognised by ...
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P-Money - Money and Sense
P-Money P-MONEY is Peter Wadams. P-Money is the grand collaborator of Akon, Scribe, Grandmaster Roc Raida and countless others. P-Money ...
Features | 1 year, 4 months ago

The Last Kinection Signed CDs
Newcastle group The Last Kinection have been busy getting ready for their national tour to launch their debut album Nutches. ...
Free Stuff | 9 months, 2 weeks ago



Music crisis: No-one's listening

THE Assembly's Inquiry into Live Community Events has failed to attract submissions from all but a few hardcore scenesters and a lobby of angry apartment dwellers.

The inquiry, launched by Greens MLA Caroline Le Couteur last year, had only 28 submissions at the time of publication and the due date extended for an unknown period due to increased prospects of further community contributions.

Gathering evidence to create strategies to balance growing residential developments with the need to preserve live music in the capital is proving difficult, chair Mary Porter said.

"We are concerned that we haven't had as many operators of live music venues come to talk to us as we could have. We'd like some more submissions from them, we'd like them to talk about how they see the effect of what I'm describing [growing residential construction] on their business."

The inquiry committee, including Porter, visited Brisbane's Fortitude Valley entertainment precinct in March, reviewing 10 nightclubs and examples of sound-proof apartment designs.

Porter could not tell "CityNews" why the committee has not yet visited Canberra's own live music venues or why the owners of such venues have not been contacted directly to make submissions.

Online gig guide Paster Louder's Canberra editor Karen Radford says the absence of submissions by many of the capital's key players in the live music scene is an indication of Gen Y apathy and a product of the Government's ignorance of the appropriate avenues to distribute information amongst a younger audience.

"I think it's quite symptomatic of us, as Gen Ys, that we're keen to campaign for something



With the ACT Government intent on increasing inner-city urban density, Canberra's live music scene could be facing a death of a thousand noise complaints, reports ELERI HARRIS

as long as we can just click on it, and not actually have to write something. Which is a bit of a shame, because I think there are so many people here in Canberra who do really care, but if they're not making themselves heard now or not putting their view point across, then they'll just whinge later that something's closed down or you can't have live music after 9pm.

"It's [the Government] clearly not communicating with your target audience."

Live music lover and concerned citizen Andrew Mottram created a Facebook group called "I Want to Help Shape the Future of Music in Canberra!" in February, to give the inquiry greater exposure and increase submissions.

But two months and nearly 1200 members later, the group has failed to translate into a submission storm.

"I find it disappointing that people haven't made more submissions, it is a big issue for Canberra. If the Legislative Assembly finds in favour of residential developers it will really negatively affect Canberra's music scene," says Mottram.

"The Interim Report makes a lot of good points, but it's wise to get involved and not to assume Governments will make the right decision by the community, it's not a sure thing that the law will favour music establishments."

Like Radford, Mottram has made his own personal submission, but is not surprised by others' reluctance to put pen to paper, arguing that Assembly processes are disconnected to

City News
April 22 2010



City cafe in safety finals

CAFE Pazzini, in Moore Street, Civic is a finalist in the national annual Safe Work Australia Awards, which will be announced at a ceremony in the Great Hall at Parliament House on April 28.

The cafe is a finalist in the category recognising "Best Solution to an Identified Workplace Health and Safety Issue".

"Through regular safety monitoring, Cafe Pazzini identified safety deficiencies with its slicer machine which presented a potential hazard to the cafe's workers," said Safe Work Australia chairman Tom Phillips.

"Cafe Pazzini utilised the skills of suppliers to incorporate new design elements and established an effective and improved hazard control for the use of the machine in their workplace."

The awards acknowledge the efforts of individuals and organisations in their efforts to reduce the number of work-related deaths, injury and disease in the workplace.

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Walk in to treatment for MINOR INJURY or ILLNESS

Walk-in Centre

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ACT Public Service

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<p>Supplier Name:</p> <div style="border: 1px solid black; padding: 2px;">The Street Theatre</div> <p>Special Requests/ Reference Number:</p> <div style="border: 1px solid black; padding: 2px;">TERMS: 7 days</div>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Collect Cheque*</td> <td><input type="radio"/> Yes</td> <td><input checked="" type="radio"/> No</td> </tr> <tr> <td>Staff Reimbursement: <small>EFT only - bank account details must be provided below.</small></td> <td><input type="radio"/> Yes</td> <td><input checked="" type="radio"/> No</td> </tr> <tr> <td>RCTI (Recipient Created Tax Invoice)</td> <td><input type="radio"/> Yes</td> <td><input checked="" type="radio"/> No</td> </tr> <tr> <td>GST Registered</td> <td><input checked="" type="radio"/> Yes</td> <td><input type="radio"/> No</td> </tr> <tr> <td>Withholding Tax</td> <td><input type="radio"/> Yes</td> <td><input checked="" type="radio"/> No</td> </tr> </table> <p><small>* Please note all collect cheques are to be collected from Shared Services Centre, Eclipse House, Civic.</small></p>	Collect Cheque*	<input type="radio"/> Yes	<input checked="" type="radio"/> No	Staff Reimbursement: <small>EFT only - bank account details must be provided below.</small>	<input type="radio"/> Yes	<input checked="" type="radio"/> No	RCTI (Recipient Created Tax Invoice)	<input type="radio"/> Yes	<input checked="" type="radio"/> No	GST Registered	<input checked="" type="radio"/> Yes	<input type="radio"/> No	Withholding Tax	<input type="radio"/> Yes	<input checked="" type="radio"/> No
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Bank Account Details for EFT Payments	Purchase Order Related Invoices:
Bank Account Name: the Stagemaster	Purchase Order Number:
BSB: 112-908	Receipt Number:
Account Number: 043600006	Project/Task Number:
Postal Address:	

Invoice Detail: (All fields are mandatory) Please attach **ORIGINAL** invoices - copies are not accepted.
 Applicable GST Codes: 10% AP (10%); Free AP (F); Input Tax AP (IT); Exempt (Ex); Capital 10% (Cap10%); Free CAP (CapF); Input CAP (ITCap); Outside AP (OS); No ABN Withhold (NABN)

Entity	Cost Centre	Account Code	Int. Trad.	Project	Agency Use	GST Tax Type	Amount \$ (ex. GST)	Amount \$ (inc. GST)	Description
200	20312	712708	99	60402	9999	10% AP	\$227.27	\$250.00	Live Waste Catalogue <i>Inv 478</i> <i>Street</i>
Total \$ GST							Total Amount \$ (incl. GST)		
\$22.73							\$250.00		

Remittance Advice Description:

00000478

Prepared by:

Name: Anne Robinson Phone: 72378

Signature: *[Signature]* Date: 30/3/10

Authorising Officer (financial delegate):

Name: Nigel Featherstone Position: Manager, Arts Development

Signature: *[Signature]* Date: 6.4.10



The Street Theatre

GPO BOX 3138
CANBERRA ACT 2601

A.B.N. 13 120 663 736

OK to pay
[Signature]

Tax Invoice

Invoice #: 00000478
Date: 30/03/2010

Bill To:

ARTS ACT

Ship To:

ARTS ACT
ATTN: Anne Robinson
GPO Box 158 Canberra ACT 2601
02 6207 2384

Description

Street Two Venue hire for Live Music Forum Monday 29 March

Amount Code

\$250.00 FRE

Direct Debit Details
BSB 112-908
Account No 043600006
Account Name The Stagemaster

Terms 7 days

Freight:	\$0.00 GST
GST:	\$0.00 12.73
Total Inc GST:	\$250.00
Amount Applied:	\$0.00
Balance Due:	\$250.00

REDUCTION OF BARRIERS TO THE LIVE MUSIC PRODUCTION IN THE ACT INDUSTRY FORUM

6.00PM 29 MARCH 2010

This document summarises the key issues/ideas raised at a Live Music Industry Forum arranged by the ACT Government through artsACT. For more information contact artsACT on 6207 2378.

Attendance:

- Davis Whitney; artsACT [Chair]
- Joan Armstrong; The Basement
- Nick Beresford-Wylie; Hancock Basement
- Shelley Clarke; Blue's Society
- George Cora; artSound
- John Frohlich; Canberra Institute of Technology - music
- Rach Green; Cardboard Charlie
- Matthew Heath; Canberra Times
- Tim Kent; Los Capitanes
- Nigel McRae; Canberra Musician's Club
- Gil Miller; George Harcourt Inn
- Sindy Pearson; Woden Youth Centre
- Bruce Ryan; Indyfest
- Allan Sko; BMA Magazine
- Warwick Smith; Birds Love Fighting records
- Mike Stanker; The Pot Belly
- Kimmo Vennonen; Kp Productions
- Matthew Watts; (?)
- Mark Webber; Canberra Institute of Technology - music
- Vivienne Winther; Music for Everyone

Observers:

- Chris Beer; ACT Planning and Land Authority
- Rob Thorman; Land Development Agency
- Robert Neil; Department of the Environment, climate Change and Water
- Catherine Gottlieb; ACT Health
- Peter Bayliss; arsACT
- Michael Sollis; ACT Cultural Council

Secretariat:

Anne Robinson

artsACT outlined the purpose of the forum noting that:

- All States and Territories were experiencing similar difficulties in supporting the live music industry in the face of local communities seeking quieter and safer environments. The Cultural Ministers Council is looking at ways to address these issues.

- The Legislative Assembly has established an Inquiry into live events which is due to report to the Assembly at the end of the year. A number of participants in the Forum presented to the Inquiry.
- The ACT Government has established an Interdepartmental Committee (IDC) on the reduction of barriers to the live music production in the ACT. In acknowledgment of the broad range of issues to be addressed the Committee has representatives from all government departments and agencies. A number of representatives of the IDC are present at the Forum. After discussion at the IDC, artsACT agreed to convene the Forum to gain a deeper understanding of the issues involved and to engage with the live music industry in Canberra. The IDC is working closely with the Legislative Assembly Inquiry.

The meeting raised a number of key issues:

- **Incentives.**
The Forum discussed whether incentives could be provided to venues to host live music events. General consensus was that barriers needed to be removed first, particularly those in relation to noise restrictions/complaints.
It was noted that most music venues do not make money from offering live music, patronage did not necessarily increase and there were added costs.
There is a need to encourage local and original live music. Much of the music being played currently is cover bands/singers. There is also a move by some venues towards DJs which are cheaper and less risky.
- The importance of live music to Canberra was not generally well recognised in legislation or by the community generally.
The meeting noted the importance of live music in bringing vibrancy and activity to the city and as an important social outlet, particularly for young people.
Music venues are often seen as 'undesirable' and not viewed as important cultural centres. Government needs to specifically recognise the importance of live music and live music venues. This needs to be recognised across agencies and in legislation and regulation.
For example the ACT Young People's Plan makes specific reference to the importance of music.
- Some of the most significant barriers relate to planning regulations and noise issues.
Planning and other regulations can be difficult to navigate.
There is a need to protect areas in Canberra which can house live music venues. This becomes more difficult as residential developments move into areas traditionally operating as entertainment precincts.
There is no allowance for whether the venue was in existence before the housing or if the area had traditionally been an entertainment precinct.
Noise levels require revision and need to be tied to zoning. Zoning of some areas of Civic should allow for 24-hour entertainment in some areas while other areas could be zones for quieter activities.
It is important that when new developments are built that they are designed to reduce the noise impacts from existing venues. Many new developments are poorly built with limited sound-proofing.

Few actual noise complaints are received by the EPA but even a small number of complaints can make venues wary of putting on live music.

Noise complaints could be expensive to deal with especially if Noise Management Plans were required.

While venues can improve sound attenuation this is expensive and not generally required of other buildings.

- Music event management

One of the main impediments to large festivals is the paperwork to seek approval.

There is a need for streamlined procedures for establishing and managing events. Risk assessment plans are difficult to navigate.

There are a number of outdoor stages being built in Canberra but noise issues do not appear to have been addressed in their construction and management.

- Direct intervention

Some jurisdictions, including Western Australia and Albury Wodonga, actively promote live music.

WA has a particular focus on touring. (Although it was noted that WA has particular issues around distances within the State and to the rest of Australia.)

Albury/Wodonga also have a vibrant music culture. The local government assists by brokering relationships between bands and venues/businesses. There could be a role for the ACT Government to assist in this type of brokering.

Bands are moving from Canberra to other centres due to a lack of performance venues. There is a need to look at ways to retain bands in Canberra.

- Policy comparison with Film.

The meeting noted that there was considerable support provided to the film industry in the ACT including a government-funded film office (Screen ACT).

One of the biggest barriers for the music industry is the lack of strategic planning for contemporary music. There is a need for an overarching plan for music. There is a need to have a structure to bring people in the music industry together to look at the issues strategically. Some bodies have been established to try to address this but they have been run by volunteers and not had the resources to sustain the activity. There is a need for a funded organisation.

- There are significant transport issues for patrons attending live music performances.

ACTION buses do not provide an adequate service late at night particular to music venues located in industrial areas. It can also be difficult to attract taxis to pick people up from venues late in the evening. In particular there are safety issues for young people trying to access transport late at night. The ACT Transport Strategy does not adequately support the live music industry.

- Need for places which bands can advertise.

There is a need for places to put up advertising - lack of advertising can be a barrier for small organisations. Many advertising bollards have been removed.

There is no one website which provides information on what's on in Canberra in terms of music (although there are many websites which do have information)

- Liquor licensing legislation
Need to be aware of changes to the liquor licensing legislation as these may make live music more expensive.
Liquor licensing legislation determines the number of occupants allowed in a venue. These are not necessarily the same as the limits for fire safety. Low loading limits make it more difficult for venues to make money.
Government actions to prevent violence have the potential to close down music venues even though it is mostly nightclubs which cause the problems. Crowds at live music events are rarely violent.
Often the principle issue in relation to noise is crowd noise; this has been exacerbated by smoke restrictions which mean more people socialising outside venues.
- Need for a venue which could be dedicated to the performance of live music. Also a need for more rehearsal spaces.
McGregor Hall is a good venue but will be demolished shortly.
Longevity in venues is important it takes time for a venue to build a following and become part of the local 'culture'
A number of bands and organisations have been playing 'house shows' in local backyards because of the lack of suitable venues. This can cause problems with neighbours and is not conducive to growing the industry.
Bands from interstate are discouraged for touring to Canberra due to a lack of venues.
It can be particularly expensive to operate all-ages events as most revenue for live music comes from bar sales.
Very few rehearsal spaces are available and those tend to be expensive. Bands often cannot afford rehearsal spaces or the spaces are not available at the times the bands wish to rehearse.
- Need for data about the strength and importance of the music industry in the ACT.
No one has quantified the amount music contributes to the ACT economy.
Need for greater understanding of the tourism potential of live music.
- Not enough money through artsACT for emerging bands. Grant money is more likely to support recording when money for touring is also very important. More touring funding could assist bands to stay in the ACT.

Next stages/actions:

- Follow-up Industry Forum to be held Monday 24 May 2010 (venue to be confirmed)
- artsACT to prepare a summary of the discussion and distribute to participants

Meeting ended 7.30pm.

ACT LIVE MUSIC INDUSTRY FORUM

Attendance

Name	email	phone
------	-------	-------

Bruce Ryan

Rach Green

* Chris Beer

Warwick Smith

Tim Kent

SPURRY
CLARKE

Kindness

Jan Dinger

MIKE STANKER

Matthew WATTS

Vivienne Winter

Michael Sollic

Allan Sko

GIL MILLER

ACT LIVE MUSIC INDUSTRY FORUM

Attendance

Name	email	phone
MARK WEBBER		
John Frohlich		
Sindy Pearson		
Nick Beresford-Wyli		
GEORGE CORA		



ACT Live Music Industry Forum

Monday 29 March 2010
6.00 – 7.30pm

Venue – Street Two; Street Theatre; Childers Street

AGENDA

1. Welcome & Apologies	Nigel Featherstone
2. Introduction - <ul style="list-style-type: none"> • What is the Reduction of barriers to the production of live music in the ACT Interdepartmental committee? • What is the purpose of this evening? 	Nigel Featherstone
3. Discussion - <ul style="list-style-type: none"> • What barriers exist to a vibrant live music industry in the ACT? • What ideas do you have to address this? • What can you do to assist? 	All
4. What will happen next?	Nigel Featherstone

ACT Live Music Industry Forum

History

- The ACT Government has taken an interest in supporting live music in Canberra for a number of years.
- In July 2008, you wrote to ACT Ministers with responsibility for licensing and planning issues indicating that you wished to investigate legislative or regulatory action to reduce barriers to live music performance in the ACT.
- On 25 February 2009, the Legislative Assembly referred a number of issues in relation to the support of live music and events in the community to the Standing Committee on Planning, Public Works and Territory and Municipal Services. The Standing Committee presented an interim report to the Legislative Assembly at the end of 2009 and will present its final report in mid 2010.

Interdepartmental Committee

- In June 2009 an Interdepartmental Committee was established to consider the barriers which exist to the production of live music in the ACT in particular in relation to legislation and regulation and ways in which these could be reduced. All departments are represented on the IDC which is chaired by artsACT.
- The IDC and the Legislative Assembly Committee have been working closely together.

ACT Live Music Industry Forum

- As part of its deliberations, the IDC held a targeted Forum of representatives from the live music industry in the ACT to seek their views of the key issues and possible solutions.
- Approximately 20 representatives from music festivals, live music venues, music institutions, the media, music organisations and local contemporary music bands were invited to the Forum. Numbers were limited to ensure a productive discussion.
- Some members of the IDC also attended the Forum as observers and to provide factual input into the Forum as required.
- The Forum was held on Monday 29 March 2010, 6.00 -7.30pm at the Street Theatre
- Key issues identified by the IDC were discussed at the meeting. These included:
 - Possible changes to noise regulations
 - Improved sound attenuation measures, including for existing community facilities
 - Availability of rehearsal spaces and performance venues
 - Improved information for licensed venues regarding the presentation of live music
 - Planning to allow for live music venues including consideration of Order of Occupancy provisions

Outcomes

- Following the Forum the IDC will consider the suggestions raised at the Forum and the recommendations made by the Legislative Assembly's Inquiry into live events and a cabinet submission will be prepared. It is anticipated that the submission will be completed by the end of the year.

Issues

- There may be concern from some members of the music industry that the Forum was by invitation only and not open to the whole community. The Forum was designed to provide the IDC with specific information and suggestions and as such was limited in its numbers.
- The Legislative Assembly Inquiry, however, called for public submissions. This was widely advertised in the middle of last year. The IDC has been provided with copies of these submissions and will take account of the views presented in developing the proposed cabinet submission.

Forum attendance

Live Music Industry representatives invited to the Forum included:

Bands and Musicians: -

Los Capitanes
Hancock Basement
The Cashews

Event managers: -

Indyfest
Kicks Entertainment

Music Services: -

Landspeed records
Birds Love Fighting Records
Kp productions

Media: -

BMA
Canberra Times

Venues: -

The Basement
George Harcourt Inn
Old Canberra Inn
Transit Bar

Music and community organisations: -

Canberra Musicians Club
Canberra Blue's Society
Woden Youth Centre

Music Training:-

ACT Community Arts Office
Canberra Institute of Technology
Music for Everyone

Confirmed attendees

✓	Warwick Smith	Birds Love Fighting Records
✓	Kimmo Vennonen	Kp productions
✓	Tim Kent	Los Capitanes
✓	Nick Beresford-Wylie	Hancock Basement
	Chris Navin	(for Tim Duck)
	Alison Procter	The Cashews
✓	John Frohlich	CIT - music
✓	Vivienne Winther	Music for everyone
✓	Rachel Green	(for Cardboard Charlie)
✓	Allan Sko	BMA
✓	Joan Armstrong, or Mike Stanker	The Basement
✓	Canberra Musicians Club	Nigel McRae
✓	Sindy Pearson	Woden Youth Centre
	Glenn Boorn	Old Canberra Inn
✓	Bruce Ryan	Indyfest
	Laurence Kain, or Ryan Phillips	Kicks Entertainment
	Blake Budak	Landspeed records
	Maria Heffernan	Canberra Blues society
	Matthew Heath	Canberra Times
	George Cora	Artsound
	Andy Heaney	ACT Arts Office
✓	Gil Miller	George Harcourt Inn

List of invitees to the Live Music forum, 29 March 2010

Unconfirmed invitees

Simon Kravis	Board chair 2xx	
Bria Sydney	Knightsbridge Penthouse	
Marc Grainger	Transit Bar	

Apologies

Roy Shepherd; ACT Entertainment Agency

Ben Drysdale; Cardboard Charlie

Patrick Lillicrap; Casual Projects

Tim Duck; MITACT

James Steele; Chair ArtSound

Paul Jamieson: The Front

IDC Members confirmed:

Christopher Beer ACT Planning and Land Authority

Mr Rob Thorman, Land Development Agency

Mr Robert Neil, Department of the Environment, Climate Change and Water

Ms Catherine Gottlieb, ACT Health

IDC members unconfirmed:

Mr David Whitney, Mananger artsACT, Chief Minister's Department

Mr Rish Leftreys, Department of Disability, Housing and Community Services

Ms Derise Cubin, Department of Justice and Community Safety

Ms Trish Wilks, Department of Education and Training

Mr Stuart Friend, Department of Treasury

Apologies:

Ms Penny Boyer, Canberra Institute of Technology

Mr Thomas Bishop, Department of Territory and Municipal Services

Mr Kelvin Walsh, ACT Planning and Land Authority

Other people invited:

Peter Bayliss – artsACT

Michael Sollis – Cultural Council

Senior Constable Sean Sloan – AFP Youth Liaison Team 62457569

sean.sloan@afp.gov.au

Roy Shepherd	ACT Entertainment Agency
Kimmo Vennonen	Kp productions
Ben Drysdale	Cardboard Charlie
Nick Craven	Hancock Basement
Patrick Lillicrap	Casual Projects
Alison Procter	The Cashews
John Frohlich	CIT - music
Vivienne Winther	Music for everyone
Simon Kravis	Board chair 2xx
Allan Sko	BMA
Tim Duck	MITACT
Canberra Musicians Club	Rob Thorman
Cindy Pearson	Woden Youth Centre
Bria Sydney	Knightsbridge Penthouse
Bruce Ryan	Indyfest
Laurence Kain	Kicks Entertainment
Blake Budak	Landspeed records
Marc Grainger	Transit Bar
Maria Heffernan	Canberra Blues society
Matthew Heath	Canberra Times
James Steele	Chair, Artsound
Paul Jamieson	The Front
Andy Heaney	ACT Arts Office
Gil Miller	George Harcourt Inn

I am writing to you because of your knowledge of and interest in the live music industry in the ACT. The ACT Government has established an interdepartmental committee to look at the reduction of barriers to the production of live music in the ACT.

The Committee is interested in hearing from representatives of the live music industry in Canberra about their views on existing barriers. In particular the Committee is interested in any ideas you may have for addressing these barriers.

You are therefore invited to attend a Live Music Industry forum to be held:

Monday 29 March 2010

6.00 -7.30pm

The Street Theatre (Street 2)

Childers Street, ACTON

Representatives from Music Festivals, live music venues, music institutions, the media, music organisations and local contemporary music bands have been invited.

Please note that due to time and space limitations the forum is being kept to a small targeted group of participants. I would ask therefore that you not broadcast information about the forum publically and that you restrict attendance to yourself or a nominated representative.

Please contact me on 6207 2378 or email Annek.Robinson@act.gov.au if you would like any further information about the Forum. Could you please RSVP to me by Tuesday 23 March.

List of invitees to the Live Music forum, 29 March 2010

(67)

Other people invited:

Peter Bayliss – artsACT

Michael Sollis – Cultural Council

Senior Constable Sean Sloan – AFP Youth Liaison Team

Robinson, AnneK

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From: Robinson, AnneK
Sent: Wednesday, 17 March 2010 9:52 AM
To: sean.sloan@afp.gov.au
Subject: Live Music in the ACT
Attachments: 1st meeting IDC Issues paper.doc; IDC TOR and membership.doc; meeting notes IDC 24 Nov 2009.doc

Hi Sean

Apologies for not sending you the information about the IDC on the Reduction of Barriers to the Production of Live Music in the ACT earlier.

I have attached the Terms of Reference for the IDC, a brief background paper and the Minutes of the November meeting. I hope to have the Minutes of the March meeting out shortly. The next meeting is scheduled for 18 May and it would be great if you were able to attend. Agenda papers will be sent out a couple of weeks before the meeting but essentially if you are able to provide an AFP perspective on issues associated with live music particularly in relation to noise, liquor licencing and general crowd issues that would be most helpful.

Below is an invitation to the Live Music Industry forum which we are holding later this month. You and the IDC members are welcome to attend as observers and to provide factual input into the Forum as required/appropriate. The Forum has been organised to gather views from the music industry on the barriers to live music production in the ACT and possible solutions. Representatives from Music Festivals, live music venues, music institutions, the media, music organisations and local contemporary music bands have been invited. We are anticipating approximately 15 music representatives will attend the forum.

The Forum will be held:
Monday 29 March 2010
6.00 -7.30pm
The Street Theatre (Street 2)
Childers Street, ACTON

Could you please let me know by Tuesday 23 March whether you will be attending the Forum.

Please let me know if you have any questions about the IDC or the Forum.

Thanks
Anne

Anne Robinson
Arts Development Officer for Community Arts and Music
artsACT

Phone: 6207 2378
email: annek.robinson@act.gov.au
address: Level 4, Nara Centre, 1 Constitution Ave, Canberra City ACT 2602

BRIEF



CHIEF MINISTER'S DEPARTMENT

Note returned to arts ACT 17/3.

Brief and letter enclosed.

File - Arts Dev.

Live Music IDC

2/1



165

Date 11 March 2010 C572/10
To Minister for the Arts

- Chief Executive
- Executive Director, Arts, Communications, Events and Protocol *Shazel*

From A/g Director, artsACT
Subject Inquiry into Live Community Events – Interim Report

Critical date and reason

There is no critical date.

Purpose

To provide you with background information and a draft letter to Ms Mary Porter as Chair of the Standing Committee on Planning, Public Works and Territory and Municipal Services Inquiry into Live Community Events.

Background

There is an acknowledgment Australia-wide that regulations controlling the hosting and performance of live music, while ensuring the safety and amenity of the public and performers, can also present barriers to growing a live entertainment industry.

To address this, the Chief Minister's Department has established an Interdepartmental Committee (IDC) to examine the reduction of barriers to the production of live music in the ACT. The IDC has agreed to the following terms of reference:

- consider the barriers which exist to the production of live music in the ACT in particular in relation to legislation and regulation;
- examine ways in which the barriers to the production of live music in the ACT could be reduced; and
- develop a cabinet submission which addresses these issues.

The IDC has met on three occasions ^{and} has developed a list of emerging themes for further investigation:

- ways of promoting cultural/social economies in group centres including the consideration of Order of Occupancy provisions;
- improved sound attenuation measures, including for existing community facilities;
- availability of community venues for live events;
- availability of rehearsal spaces and performance venues for developing and emerging bands;
- information for licensed venues regarding the presentation of live music; and
- potential for changes to timing of noise restrictions in group and local centres.

Issues

The Standing Committee on Planning, Public Works and Territory and Municipal Services has also established an Inquiry into Live Community Events. This Inquiry tabled an Interim Report to the Legislative Assembly in December 2009, which is at **Attachment A**.

The themes identified by the IDC are generally well aligned with the recommendations listed in the Interim Report. Recommendation 9 *that the Committee recommends that the interdepartmental committee further investigate the availability of community venues for live events in the ACT and consider how the ACT government can better support this need* specifically references the IDC. The IDC has also noted the importance of community venues as both performance and rehearsal spaces and is continuing to investigate the availability of such spaces and the barriers to them being used for contemporary music events.

The IDC proposes to hold targeted consultations with key people in the ACT music industry during the next month and it is hoped that these will further identify barriers to live music performance and propose solutions which could be implemented.

The Interim Report notes that the Inquiry is awaiting a copy of the Cultural Minister's Council report *Supporting Australia's Live Music Industry: Suggested Principles for Best Practice*. The Cultural Ministers Council endorsed the report in October 2009 but the report has not yet been formally released by the Cultural Minister's Council. You have written to Ms Porter separately about this and have offered to forward the report as soon as it is available.

Recommendation


That you note the information contained in this brief and:

- sign the letter at **Attachment B** to Ms Porter as chair of the Standing Committee on Planning, Public Works and Territory and Municipal Services



Sam Tyler

Contact Officer: Nigel Featherstone
Phone: x76825



 Jon Stanhope MLA / /

~~ACREED~~ / ~~NOT AGREED~~ / ~~NOTED~~ / PLEASE DISCUSS



COPY 163

Jon Stanhope MLA

CHIEF MINISTER

MINISTER FOR TRANSPORT MINISTER FOR TERRITORY AND MUNICIPAL SERVICES
MINISTER FOR BUSINESS AND ECONOMIC DEVELOPMENT MINISTER FOR LAND AND PROPERTY SERVICES
MINISTER FOR ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS
MINISTER FOR THE ARTS AND HERITAGE

MEMBER FOR GINNINDERRA

Ms Mary Porter AM MLA
Chair
Standing Committee on Planning, Public Works
and Territory and Municipal Services
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Dear Ms Porter 

I am writing regarding the Standing Committee on Planning, Public Works and Territory and Municipal Services' Inquiry into Live Community Events Interim Report – December 2009.

I thank you for the Interim report and the important issues which it addresses. As you are aware an Interdepartmental Committee (IDC) has been established to examine the reduction of barriers to the production of live music in the ACT. The Terms of Reference for the IDC are:

- consider the barriers which exist to the production of live music in the ACT in particular in relation to legislation and regulation;
- examine ways in which the barriers to the production of live music in the ACT could be reduced; and
- develop a cabinet submission which addresses these issues.

I would like to advise you that the IDC has met three times and has developed a list of emerging themes for further investigation:

- ways of promoting cultural/social economies in group centres including the consideration of Order of Occupancy provisions;
- improved sound attenuation measures, including for existing community facilities;
- availability of community venues for live events;
- availability of rehearsal spaces and performance venues for developing and emerging bands;
- information for licensed venues regarding the presentation of live music; and
- potential for changes to timing of noise restrictions in group and local centres.

I note that these themes are generally well aligned with the recommendations listed in the Interim Report. I note in particular that Recommendation 9 *that the Committee recommends that the interdepartmental committee further investigate the availability of community venues for live events in the ACT and consider how the ACT government can*

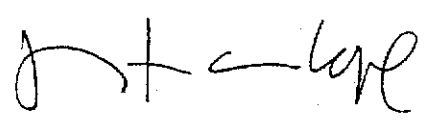
better support this need specifically references the IDC. The IDC has also noted the importance of community venues as both performance and rehearsal spaces and is continuing to investigate the availability of such spaces and the barriers to them being used for contemporary music events.

The IDC proposes to hold targeted consultations with key people in the ACT music industry during the next month and it is hoped that these will further identify barriers to live music performance and possible solutions.

If the Standing Committee would like any further information on the IDC, please contact Nigel Featherstone, Manager, Arts Development, artsACT on 6207 2381.

I look forward to the final outcome of the Inquiry when it is presented to the Legislative Assembly.

Yours sincerely



Jon Stanhope MLA
Chief Minister

18 MAR 2010

STANDING COMMITTEE ON PLANNING, PUBLIC
WORKS AND TERRITORY AND MUNICIPAL SERVICES

Inquiry into Live Community Events

INTERIM REPORT - DECEMBER 2009

Report 4

Committee Membership

Ms Mary Porter AM MLA	Chair
Ms Caroline Le Couteur MLA	Deputy Chair
Mr Alistair Coe MLA	Member

Secretariat

Ms Nicola Derigo	Secretary
Ms Lydia Chung	Administrative Assistant

Contact Information

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Post	GPO Box 1020, CANBERRA ACT 2601
Email	committees@parliament.act.gov.au
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Resolution of Appointment

On 9 December 2008, the ACT Legislative Assembly agreed by resolution to establish general purpose standing committees to inquire into and report on matters referred to it by the Assembly or considered by the committee to be of concern to the community, including:

- (e) a Standing Committee on Planning, Public Works and Territory and Municipal Services to examine matters related to planning, land management, proposed capital works projects in the public sector, including works undertaken by territory owned corporations, municipal transport services, heritage and sport and recreation.

The Assembly agreed that each standing committee can consider and make use of the evidence and records of the relevant standing committee appointed during the previous Assembly.¹

Terms of Reference

On 25 February 2009 the Assembly referred the issue of supporting live music and events in our community to the Standing Committee on Planning, Public Works and Territory and Municipal Services for inquiry and report by the first sitting day in October 2009. The inquiry will consider, but not be limited to:

- (a) a review of order of occupancy legislation;
- (b) options to encourage or require large commercial developments in group or town centres to provide community bollards for the promotion of events via bill posters; and
- (c) an examination of how building codes for residential and business development in commercial zones could be amended to ensure sound insulation and physical security are appropriate to co-location with live cultural events.²

¹ Legislative Assembly for the ACT, *Minutes of Proceedings No. 2, 9 December 2008*, pp14-18, <<http://www.parliament.act.gov.au/downloads/minutes-of-proceedings/08W10P02.pdf>>

² Legislative Assembly for the ACT, *Minutes of Proceedings No. 9, 25 February 2009*, pp105-7.

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RECOMMENDATIONS

RECOMMENDATION 1

3.23 The Committee recommends that the description of ACT land areas in Schedule 2 (table 2.1) of the *Environment Protection Regulation 2005* specify which Territory Plan zones fall under a particular noise zone, where applicable.

RECOMMENDATION 2

3.37 The Committee recommends that the ACT Government review the noise standards in the *Environment Protection Regulation 2005* to provide more flexibility for small and medium venues to run live events. The review should consider:

- Distinguishing between outdoor and indoor entertainment;
- Allowing a higher noise standard on Friday and Saturday nights in Zone B, at least until midnight; and
- Allowing higher noise standard for New Year's Eve until 1.00am on 1 January.

RECOMMENDATION 3

4.16 The Committee recommends that the *Liquor Act 1975* enable the Commissioner to consider Order of Occupancy principles when investigating complaints in relation to a licensee.

RECOMMENDATION 4

4.17 The Committee recommends that the ACT Government investigates the best ways to ensure that people moving into residential areas where live entertainment is provided are made aware of Order of Occupancy principles.

RECOMMENDATION 5

5.30 The Committee recommends that the ACT Planning and Land Authority include the concept of Reverse Sensitivity as an overarching Objective in the relevant Development Codes and Precinct Codes of the Territory Plan.

RECOMMENDATION 6

6.18 The Committee recommends that private businesses and commercial developments be encouraged to provide bill posting facilities.

RECOMMENDATION 7

7.14 The Committee recommends that the ACT Government review the regulations that impact on live community events and ensure that the regulatory requirements for venues reflect the different types of music and entertainment that may be provided.

RECOMMENDATION 8

7.22 The Committee recommends that the ACT Government consider improved sound attenuation measures for existing community facilities.

RECOMMENDATION 9

7.23 The Committee recommends that the interdepartmental committee (IDC) further investigate the availability of community venues for live events in the ACT and consider how the ACT Government can better support this need.

- 1.7 Part 2 provides some background to the issues of live events and relevant studies as well as the current level of ACT Government support.
- 1.8 Part 3 outlines the current ACT regulatory framework for noise standards, land zoning and some relevant aspects of liquor licensing.
- 1.9 Part 4 considers Order of Occupancy provisions in other Australian jurisdictions.
- 1.10 Part 5 outlines some of the considerations in the Territory Plan Development Codes and Precinct Codes relating to noise attenuation, security and safety. It also provides a discussion on the role of leases in the ACT, the concept of 'reverse sensitivity' in planning and considerations of amenity in commercial centres.
- 1.11 Part 6 considers event promotion and the role of commercial developments in providing bill posting facilities.

Other Issues and Regulatory Approaches

- 1.12 During the course of the inquiry a number of additional issues and regulatory approaches were raised by witnesses and in submissions.
- 1.13 The Committee notes that the inclusion of Order of Occupancy considerations in liquor licensing complaint processes is a back-end approach to supporting live events as it is only implemented as noise or disturbance complaints arise.
- 1.14 The Committee acknowledges that there are also a number of other regulatory approaches to supporting live entertainment that need to be explored such as:
- Amenity or public interest considerations when granting liquor licences;
 - Noise limits and noise zones; and
 - Entertainment precincts.
- 1.15 Additionally, issues such as security requirements, public liability insurance costs, access and streamlining license and grant application processes have a bearing on live events.

- 1.16 The Committee has reviewed Queensland's Fortitude Valley Harmony Plan

1 INTRODUCTION AND CONDUCT OF INQUIRY

- 1.1 On 25 February 2009 the Assembly referred the issue of supporting live music and events in our community to the Standing Committee on Planning, Public Works and Territory and Municipal Services for inquiry and report.³
- 1.2 An invitation for public submissions was advertised by the Committee in The Canberra Times on Saturday 14 March 2009 and in The Chronicle on Tuesday 17 March 2009. The inquiry was re-advertised in The Canberra Times on 5 August 2009. The Committee also invited stakeholders to provide a written submission to the inquiry by 21 August 2009. Late submissions were accepted up to 30 October 2009. The Committee received seven submissions, listed at Appendix A.
- 1.3 On 13 October 2009 the Assembly resolved to extend the inquiry reporting date until the 'last sitting day in December 2009'.⁴
- 1.4 The Committee held two public hearings on 27 October 2009 and 6 November 2009 and heard from representatives of the Australasian Performing Right Association Limited (APRA), the Canberra Blues Society (CBS), the George Harcourt Inn, Into Tomorrow Pty Ltd, Indyfest and Planning Institute of Australia ACT Division.
- 1.5 On 6 November 2009 officers from the ACT Planning and Land Authority also provided the Committee with a public briefing on relevant provisions of the Building Code of Australia and planning issues related to the inquiry.

Scope of This Report

- 1.6 This report primarily focuses on the issues identified in the Terms of Reference.

³ Legislative Assembly for the ACT, *Minutes of Proceedings No. 9*, 25 February 2009, pp105-7.

⁴ Legislative Assembly for the ACT, *Minutes of Proceedings No. 36*, 13 October 2009, p395.

In relation to entertainment precincts but has not explored the above issues in detail in this report. Part 7, therefore, includes a brief discussion of other considerations such as entertainment precincts, venue availability and the viability of venues providing live entertainment.

considers that this inquiry should be ongoing and that this is an interim report.

Best Practice Guide

1.17 The Cultural Ministers Council (CMC) is a Council of Australian Governments (COAG) ministerial council, providing a forum for cooperation and coordination between the Commonwealth, State, Territory and New Zealand Governments on matters relating to the development of the arts and culture.⁵

1.18 The Committee was advised that the CMC Working Group on Contemporary Music Development is currently developing a 'Best practice guide for the development of a legislative and regulatory environment supporting live music and entertainment'.⁶

1.19 In its Communiqué of 9 October 2009, the CMC approved the content of the best practice guide looking at 'issues to do with live performance which are affected by regulation'. The guide will highlight 'best practice principles which could be considered by jurisdictions in their own regulatory environments'.⁷

1.20 The Committee wrote to the Chief Minister on 23 September 2009 to request that a copy of the best practice guide be made available to the Committee when it is released. The guide was not available at the time of finalising this report.

1.21 The Committee would like to consider the Best Practice Guide before assessing the most appropriate combination of regulatory mechanisms to support live events in the ACT and before comparing and analysing the approaches of other States and Territories. The Committee, therefore,

⁵ COAG, *Commonwealth-State Ministerial Councils Compendium*, April 2009, <http://www.coag.gov.au/ministerial_councils/docs/compendium.pdf> at 5 November 2009.

⁶ Submission 6.

⁷ Cultural Ministers Council (CMC), *Communiqué*, Friday 9 October 2009.

2 BACKGROUND

Live Music and Events

Importance of Live Events

2.1 The Committee recognises that live music and events are an inherent part of Australian society and culture. Live events are also important for the development of local performers, providing opportunities to perform in front of a variety of audiences and to develop their performance skills. According to a CMC Statistics Working Group paper based on ABS data, around 230 800 people participated as live music performers in 2004 in Australia.⁸

2.2 Live events can create 'a real sense of community by bringing together people with similar interests and providing an outlet for the creative talent of musicians.'⁹

2.3 The Committee was advised that:

In the ACT, APRA on our database has 48 venues licensed – that means an APRA licence in place – for live music. Our estimation is that those 48

businesses spend about \$2 million a year on live music. So that is money going directly to artists.¹⁰

...the average spend on live music in the ACT by, for instance, restaurants and cafes is about \$28,000 a year... With respect to the other two figures I have, the spend on live music in hotels, bars and nightclubs as a group is about \$40,000 a year.¹¹

2.4 The wider economic value of live events has not been measured, although APRA is currently trying to initiate this type of research.

⁸ Cultural Ministers Council Statistics Working Group, *Music in Australia: a Statistical Overview*, February 2007, p7.

⁹ Submission 1.

¹⁰ *Transcript of Evidence*, 27 October 2009, p4.

¹¹ *Transcript of Evidence*, 27 October 2009, p8.

Relevant Studies

Live Music (R)evolution strategy

2.5 The Committee was advised that APRA launched the Live Music (R)evolution strategy in April 2008 in order to 'provide venues with ongoing information about the current barriers to live music, the opportunities for presenting live music and the resources and assistance available'.¹²

2.6 The Live Music (R)evolution website provides information on relevant state legislation and the strategy aims to 'develop and implement strategies to support the growth and viability of venues that host live music'.¹³

Live Music Survey

2.7 In March 2008 the Music Council of Australia (MCA) and APRA also conducted a 'Live Music' survey of the hospitality industry as part of their Live Music (R)evolution campaign.¹⁴ The survey found that:

Simpler planning and licensing regulations and more guidance on how to put on live music would make it easier for venues to host more live music in Australia.

2.8 The survey received 69 responses from hotels, clubs and restaurants, 70 per cent of which present live music at some point through the year.

Venues that didn't host live music (29% of respondents) said that the key obstacles were overhead costs, government regulations, noise regulations and concerns about security. They also cited difficulties with sourcing artists and promoting gigs and were concerned about generating support from patrons and about ensuring a decent return on investment.

2.9 The results support the next stage of the Live Music (R)evolution campaign proposed by the Music Council of Australia and APRA, including:

¹² Submission 2, p2.

¹³ Live Music (R)evolution, About, <http://www.livemusicrevolution.com.au/?page_id=158> at 24 August 2009.

¹⁴ Music Council of Australia & APRA I AMCOS, *Live Music: Hospitality + music – a good mix*, 'Live Music Survey results', <<http://www.livemusicrevolution.com.au/wp-content/uploads/2008/08/national-survey-summary.pdf>>

- A Live Music 2010 Summit to keep the music and hospitality industries talking about concrete strategies to bring live music back into venues
- Developing a user manual on government regulations that apply to live music venues; and
- A detailed 'how-to' guide/resource to support venues that wish to host live music.

ACT Government Support and Action

- 2.10 The Committee was advised that the ACT Government supports live events and music in the ACT through the ACT Arts Fund, the ACT Festivals Fund, Health Promotions Sponsorships and Youth Interact Grants. The Government submission outlined how it supports venues used for live music events¹⁵, and has established programs of free live performances such as Groovin' in Garena and the 'round town' events, as well as hiring performers for community celebrations including New Years Eve events and Party in the Park.¹⁶

Inter-Departmental Committee

- 2.11 The Committee also notes that a new interdepartmental committee (IDC) has been established by the ACT Government to consider the following:
- the barriers which exist to the production of live music in the ACT in particular in relation to legislation and regulation;
 - to examine ways in which the barriers to the production of live music in the ACT could be reduced; and
 - to develop a cabinet submission which addresses these issues.
- 2.12 The IDC, which includes senior representatives from each agency with an interest in some aspect of live music in the ACT, is chaired by David Whitney, Director of artsACT in the Chief Minister's Department and will meet quarterly for 18 months. The IDC committee met for the first time on

18 August 2009. The Committee notes that the IDC may consider similar issues to this inquiry.

- 2.13 The Committee also notes that the ACT Department of the Environment, Climate Change, Energy and Water has launched a new website www.noiseact.gov.au to provide information on noise requirements in the ACT. The site appears to be aimed at residential noise concerns rather than noise from commercial or community venues.

¹⁵ Submission 6.

¹⁶ Submission 6.

3 CURRENT ACT REGULATORY FRAMEWORK

- 3.1 A number of legislative and regulatory mechanisms shape live entertainment in the ACT. The majority of entertainment venues are licensed venues so are subject to the *Liquor Licensing Act 1975* which regulates liquor licensing, setting out compliance requirements and disciplinary procedures which have a bearing on the use of licensed premises as live entertainment venues.
- 3.2 Environmental noise in the ACT, such as live concert noise is regulated by the *Environment Protection Act 1997*, which is administered by the ACT Environment Protection Authority (EPA).
- 3.3 Additionally, the *Planning and Development Act 2007* and the Territory Plan made under that Act are relevant to understanding noise restrictions and development zoning in the ACT. These are administered by the ACT Planning and Land Authority (ACTPLA).

Noise zones and Noise standards

- 3.4 Noise zones and noise standards for the ACT are set out in Schedule Two of the *Environmental Protection Regulation 2005* (the Regulation) at Appendix B. The noise standards 'vary according to the land use zone in which the activity is located' and the 'limits must not be exceeded at the boundary of the land from which the noise is originating'.¹⁷
- 3.5 The following table summarises the permissible noise limits in the ACT.

Location	7am-10pm (Sun-10pm Sunday & Public Holidays)	10pm-7am (10pm-4am Sunday & Public Holidays)
Civic centre and other major town centres (Belconnen, Gungahlin, Woden and Tuggerahong)	60 dB(A)	50dB(A)
Group centres such as Dickson and Kingston	55 dB(A)	45dB(A)
Smaller local centres such as Gungahlin and Lynnhaven	50dB(A)	35dB(A)
Residential Areas	45dB(A)	35dB(A)

- 3.6 The ACT noise standards acknowledge the different levels of ambient noise in different parts of the Territory, for example, Civic centre and other town centres have a higher noise limit than residential areas. The limits are also measured at the boundary of the land from which the noise is originating, rather than at a residence. Higher limits also apply between 7am and 10pm (8am - 10pm on Sunday's and public holidays) compared to the night time noise limits.
- 3.7 The *Noise Environment Protection Policy 1998* (Noise EPP)¹⁸ and the *Outdoor Concert Noise Environment Protection Policy 2001* (Outdoor Concert Noise EPP) help to explain and apply the *Environment Protection Act 1997* and the Regulation.
- 3.8 There are also some provisions in the Regulation to deal with issues around the co-location of diverse land uses including special zoning and zone boundary requirements.

Special Zoning

- 3.9 With regard to the co-location of residential developments and live music and entertainment venues, the Noise EPP outlines the requirements for

¹⁸ DECEEW, *Live Music and Entertainment Noise, Business and Industry Information Sheet, 2009*.
¹⁹ Environment ACT, *Noise Environment Protection Policy, 1998*.
http://www.environment.act.gov.au/_data/assets/pdf_file/0015/146211/noiseppp.pdf

¹⁷ DECEEW, *Live Music and Entertainment Noise, Business and Industry Information Sheet, 2009*.

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'Special Zoning' where different noise standards apply to land zoned in the Territory Plan as "Community Facilities," "Services" or "Leisure and Accommodation". In these cases the standard is taken to be the same as the highest standard of any adjoining noise zone:

...nightclubs may be found in an "Entertainment, Accommodation and Leisure" [now referred to as Leisure and Accommodation] area adjoining a Town Centre while motels might be located in an "Entertainment, Accommodation and Leisure" area surrounded by residential areas. To cater for the differences found within these land use areas, the zone standard is the same as that of the adjoining zone with the highest standard. Thus, for a nightclub in an "Entertainment, Accommodation and Leisure" area adjoining a Town Centre, the Town Centre standard would apply, enabling the nightclub to compete on equal terms, as far as noise requirements are concerned, with nightclubs in the Town Centre. In the case of the motel surrounded by residential areas, the residential zone noise standard would apply.²⁰

Zone Boundary

3.10 Similarly, allowances are made for land which is at the boundary between two or more different noise zones. Noise standards at the boundary are an average of the noise standards for the noise zones rounded up to the nearest dB(A)²¹, for example:

... a shop located on a block of land bordering a residential area is expected to take more precautions than it otherwise would in order to reduce the noise reaching the residential area. Equally, a person living adjacent to a shop expects to be exposed to some increase in noise levels above the zone noise standard which applies in a purely residential area.²²

Location of Community and Recreation Facilities

3.11 The Territory Plan also has a *Community and Recreation Facilities Location Guidelines General Code* to assist in making decisions about where to locate a

²⁰ Environment ACT, *Noise Environment Protection Policy*, 1998, p8.

²¹ *Environmental Protection Regulation 2005*, s24 (2)(c).

²² Environment ACT, *Noise Environment Protection Policy*, 1998, p10.

broad range of community and recreational facilities. It takes into account the need for adequate noise separation when considering relationships to other land uses and specifies in most cases the need for a buffer from residential areas if it is likely to be a noisy facility:

Facilities likely to generate noise (such as clubs and outdoor recreation facilities) should be located so that they do not reduce residential amenity, nor constrain or preclude later residential development in surrounding areas.²³

3.12 This would be of relevance to community spaces, such as scout and community halls, used for live events.

Territory Plan Zones and Noise Zones

3.13 The Territory plan sets out applicable land use zones in the ACT which determine what kind of development is allowed on a particular block. The Territory Plan Zones fall into categories including Residential, Commercial and Community Facility.

Permitted Development

3.14 Under the Territory Plan, commercial CZ1 [Core], CZ2 [Business] (with some specific exemptions), CZ3 [Services], CZ4 [Local Centre] and CZ5 [Mixed Use] zones all allow for residential use. In CZ6 zones [Leisure and Accommodation] residential development is not generally allowed but it is allowed on some specific blocks and sections.

3.15 In terms of potential entertainment venues, CZ1, CZ2 and CZ3 zones permit development of clubs, drink establishments, indoor entertainment facilities, places of assembly and restaurants.

3.16 CZ4 zones allow for indoor entertainment facilities and restaurants (although in Bruce Local Centre drink establishments are also permitted).

3.17 CZ5 zones allow for indoor entertainment facilities, places of assembly and restaurants. Hotels and motels are also permitted. A number of specific areas

²³ *Territory Plan, Community and Recreation Facilities Location Guidelines General Code*, 2008, s3.5.

Noise Offences

3.24 The *Environment Protection Regulation 2005* also outlines noise offences in the ACT. It is an offence if a person makes noise in the ACT louder than the noise standard and the noise causes environmental harm in an 'affected place' (a place where a person is affected by the noise)²⁴, such as playing a musical instrument or using portable loud speakers.

3.25 Under the regulation, a person is only considered to be affected by noise if the noise exceeds the standard for the affected place and if the person complains about the noise to an 'authorised officer' (an Environment Protection Officer).

3.26 The EPA can issue infringement notices with on the spot fines under the *Magistrates Court (Environment Protection Infringement Notices) Regulation 2005* as well as issuing Environment Protection Orders, however:

The EPA anticipates using environment protection orders as a second or third resort - if approaches based on cooperation, education, and in appropriate cases, formal warnings, have failed.²⁵

3.27 The Committee notes that there were 158 noise complaints relating to amplified music noise in the 2007-08 financial year. Nine infringement notices were issued relating to excessive noise and two Environment Protection Orders were issued for breaches of the noise zone standard. The majority of noise complaints originated in the Belconnen, Canberra Central, Gungahlin and Tuggeranong districts.²⁶

Outdoor Concerts

3.28 Submissions to the Committee and witnesses raised concerns about the ability for venues to provide live entertainment outdoors under current the

²⁴ *Environmental Protection Regulation 2005*, s22.

²⁵ Environment Protection Authority, *General Environment Protection Policy*, 2007.

²⁶ Standing Committee on Climate Change, Environment and Water, *Inquiry into the 2007-08 Annual Report, Questions Taken on Notice, Environment Protection Enforcement*, report 1, Seventh Assembly, March 2009.

have additional development that may be approved subject to assessment which, in some cases, include clubs and drink establishments. In terms of residential development, CZ5 zones specifically allow multi-unit housing and serviced apartments in addition to general residential use.

3.18 CZ6 zones allow for drink establishments, indoor entertainment facilities, places of assembly and restaurants.

3.19 The Committee notes that the variety of permitted uses in each zone increases the likelihood that conflicting uses will be developed in close proximity to each other.

3.20 The ACTPLA Development Codes and design considerations with regard to these zones are discussed in more detail at Part 5 of this report.

Noise and Planning Zone Cross-Referencing

3.21 The Committee notes that the descriptions of ACT land in column 3, Schedule 2 (table 2.1) of the *Environment Protection Regulation 2005* (Appendix B) are somewhat ambiguous as they do not correspond directly to Territory Plan zones. Some Territory Plan zones are currently listed in the table, for example 'land in a commercial CZ4 zone' clearly falls into Noise Zone D, however, a large number of Territory Plan zones are not cross-referenced at all. The Committee is concerned that this may create some confusion about which noise restrictions apply to which Territory Plan zone.

3.22 Cross referencing the Territory Plan zones in Schedule 2 (table 2.1) of the *Environment Protection Regulation 2005* would assist developers, residents, venue owners and operators and live music or event performers to understand the noise restrictions in any particular Territory Plan zone.

RECOMMENDATION 1

3.23 The Committee recommends that the description of ACT land areas in Schedule 2 (table 2.1) of the *Environment Protection Regulation 2005* specify which Territory Plan zones fall under a particular noise zone, where applicable.

current regulations.²⁷

- 3.29 Under the *Outdoor Concert Noise Environment Protection Policy* the Environmental Protection Authority can grant environmental authorisations for outdoor concert venues. Authorisations can be granted to Bruce Stadium and Exhibition Park in Canberra for unlimited periods. The policy also outlines the requirements for authorisations for other venues:

Applications for authorisations to conduct single outdoor concert events will be considered for other public venues capable of holding more than 2,000 persons. These environmental authorisations, which will permit single outdoor concert events will contain conditions consistent with this Policy.

Outdoor concert venues capable of holding fewer than 2,000 people do not require an environmental authorisation but must comply with zone noise standards under the Environment Protection Act 1997.²⁸

- 3.30 The EPA still limits the noise produced by those venues with authorisations and will not authorise an event that is likely to produce noise which exceeds 65 dB(A) at the compliance location for 15 minutes or longer.

- 3.31 Where noise is permitted to exceed the zone noise standards, authorised outdoor concerts are required to finish by 11 pm except on New Year's Eve which must finish by 12.30am on 1 January. Venues that conduct multiple large events may also hold only a limited number of events per year, spread throughout the year, and only with substantial prior notice to affected residents (at least 8 weeks notice for residents near large outdoor concert venues). For smaller events or other venues (where there are only a relatively small number of affected occupiers (e.g. nearby residents), the authorisation can allow the venue to provide direct notice to those likely to be affected.²⁹

- 3.32 The Committee heard that the noise limits, particularly for small venues wanting to host outdoor live events, are prohibitive as there is no option for an exemption or event authorisation. As noted above, outdoor venues that hold fewer than 2,000 people can not get an exemption from the noise

standards.

- 3.33 Mr Gil Miller of the George Harcourt Inn highlighted to the Committee the difficulty in containing outdoor music noise because it is going to carry to nearby residences.³⁰ Venues that would like to offer live entertainment to their patrons in summer are limited by the noise standards. Those same venues are unlikely to offer outdoor live music inside because the patrons are outside in summer and inside can be cramped and too warm.³¹

- 3.34 APRA also highlighted to the Committee that venues were often 'prepared to offer up their outdoor spaces to young artists or amateur artists to perform' as a development opportunity but face the risk of being confronted with a noise complaint which may put a stop to the live music or impose other limitations on the licensee.³² The risk is therefore unlikely to be one that licensees take on, and in turn limits the availability of performance venues.

- 3.35 The Committee was advised that some exceptions in the noise standards which permit a higher noise standard on Friday and Saturday nights, potentially extended until 11pm would provide venues with more flexibility when offering live entertainment, particularly outdoors.³³

- 3.36 The Committee believes that the ACT Government should revise the noise standards in the *Environment Protection Regulation 2005* to provide more flexibility for small and medium venues to run live events. Noise standards should distinguish between outdoor and indoor entertainment. The Committee believes that it is also reasonable to allow a higher noise standard on Friday and Saturday nights in Zone B (land in the city centre and town centres; land in the Central National Area (City)); at least until midnight to encourage more live events.

²⁷ Submission 7, *Transcript of Evidence*, 27 October 2009, p33.

²⁸ Environment ACT, *Outdoor Concert Noise Environment Protection Policy*, 2001, Part 2.

²⁹ Environment ACT, *Outdoor Concert Noise Environment Protection Policy*, 2001, Part 4.5.

³⁰ *Transcript of Evidence*, 27 October 2009, pp13 & 33.

³¹ Submission 7.

³² *Transcript of Evidence*, 27 October 2009, p13.

³³ Submission 7, *Transcript of Evidence*, 27 October 2009, pp13 & 31.

RECOMMENDATION 2

3.37 The Committee recommends that the ACT Government review the noise standards in the *Environment Protection Regulation 2005* to provide more flexibility for small and medium venues to run live events. The review should consider:

- Distinguishing between outdoor and indoor entertainment;
- Allowing a higher noise standard on Friday and Saturday nights in Zone B, at least until midnight; and
- Allowing higher noise standard for New Year's Eve until 1.00am on 1 January.

Liquor Licensing

3.38 Some provisions of liquor licensing legislation in the ACT have a bearing on the operation of licensed venues that may host live events and music.

3.39 In applying for a liquor license under the *Liquor Licensing Act 1975*, applicants are required to comply with standards relating to premises in order to be granted a licence, including:

- (b) whether the premises in relation to which the licence is sought are fit and proper premises for the purpose of the licence;
- (c) whether the conditions of the Crown lease over the premises are appropriate conditions for the purpose of the licence applied for.³⁴

3.40 The *Liquor Act 1975* also includes provisions for occupational discipline where certain conditions are not met by a licensee. Three grounds for occupational discipline in relation to a licensee may be relevant to the co-location of entertainment venues and residential developments where:

- ... (c) the licensee has allowed the licensed premises to be used in a way that causes undue disturbance or inconvenience to people occupying premises in the neighbourhood;
- (d) the licensed premises do not comply with the licensing standards manual;

...(g) a loss of amenity has arisen in the vicinity of the licensed premises that is attributable to the premises and about which there has been a complaint.³⁵

3.41 Where a person believes there are reasonable grounds for occupational discipline, such as loss of amenity, they may complain in writing to the Commissioner for Fair Trading³⁶ as the Commissioner has responsibility for the day-to-day administration of licensing and enforcement provisions of the *Liquor Act 1975*.³⁷

3.42 The Commissioner will investigate complaints and, if satisfied that reasonable grounds for occupational discipline exist, such as a breach of the Act, the Commissioner may apply to the ACT Civil and Administrative Tribunal for an occupational discipline order in relation to the licensee.³⁸

Young performers

3.43 The Committee was advised that licensed venues also had the potential to provide opportunities for development of young performers and emerging talent, and that NSW had recently changed its legislation to allow minors to perform in venues if accompanied by an adult.³⁹

3.44 The Committee notes that section 156 of the ACT *Liquor Act 1975* allows persons under 18 years old to enter or remain in a bar-room on licensed premises in the care of a responsible adult. In practice, this would allow for live performers under the age of 18 to perform in licensed venues in the ACT if they are accompanied by an adult, such as a parent or guardian.

³⁵ *Liquor Act 1975*, s84.

³⁶ *Liquor Act 1975*, s77-78.

³⁷ *Liquor Licensing Practice Manual*, 2009, Part 1.2.

³⁸ *Liquor Act 1975*, s84.

³⁹ *Transcript of Evidence*, 27 October 2009, pp10-11.

³⁴ *Liquor Act 1975*, s52.

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4 ORDER OF OCCUPANCY

4.1 Order of occupancy is the concept of taking prior occupancy between licensed premises and a complainant, either residential or commercial, into account when dealing with complaints about disturbance, such as noise complaints.

4.2 Order of occupancy legislation sets the ground rules for both residential and entertainment developments. It accounts for 'who was there first' and aims to prevent long-standing live entertainment venues being forced to cease live events because of noise complaints from new residential developments.

These provisions are designed to give protection to established venues from unreasonable expectations of potential new residents as to the type of amenity that can be expected in the neighbourhood.⁴⁰

Similarly, it aims to protect established residential areas from potential noise impacts from new entertainment venues.

4.3 In general, order of occupancy considerations put the onus 'on the party who has made the recent move, either by introducing music, or moving in next door'.⁴¹ It may also consider prior use principles:

where the activity is indexed to the use of a premises such as a hotel for example, which whilst it may not host live entertainment all the time, has been a fixture in the local area, and there is a reasonable expectation that live entertainment is an activity you would normally associate with a consent for this type of land use.⁴²

4.4 The consideration is designed to give context to complaints and to establish if the complaint is fair, the type of complaint and number of complaints that may be reasonable to stop activity such as live events. It also takes the bias

4.5 There is currently no Order of Occupancy consideration in ACT legislation.

Interstate Approaches

4.6 New South Wales and Queensland include order of occupancy considerations into their Liquor Acts for dealing with disturbance complaints and nuisance activity. Under these acts, the relevant authority is to take into account order of occupancy between the licensed premises and the complainant before making a decision. Changes to the licensed premises and the premises occupied by the complainant, including structural changes to the premises, and any changes in the activities conducted on the licensed premises over a period of time must also be taken into account by the relevant authority.

4.7 The South Australia and Western Australia Liquor Acts do not explicitly include order of occupancy considerations, however they do include provisions for dealing with disturbance complaints that include consideration of a venue's usage history and structural changes.

4.8 Under the Western Australian Liquor Act 1988, when considering a complaint about noise or behaviour related to licensed premises, the director may have regard to alterations and structural changes that may have been made to the licensed premises or the premises where the complainant resides, works, worships, attends or is a patient.⁴³ They may also consider 'changes that have taken place over time to the activities that take place on the licensed premises; and the kind of business conducted under the licence and how that business is managed'.⁴⁴

4.9 Similarly, section 106 (6) of the South Australian Liquor Licensing Act 1997 provides for considerations that are essentially about order of occupancy. In

⁴⁰ Live Music (R)evolution, *Order of Occupancy Considerations*, <http://www.livemusicsresolution.com.au/Page_id=249>

⁴¹ Music Council of Australia, *A comparison of state and territory legislation and regulations pertaining to the presentation of live entertainment in liquor-licensed venues in Australia*, 2008, p8.

⁴² Music Council of Australia, *A comparison of state and territory legislation and regulations pertaining to the presentation of live entertainment in liquor-licensed venues in Australia*, 2008, pp7-8.

⁴³ *Transcript of Evidence*, 27 October 2009, p11.

⁴⁴ Liquor Act 1988 (WA), s4(b)

⁴⁵ Liquor Act 1988 (WA), s4(b)

sound level to some degree by setting up monitoring equipment a few meters away from the bands and keeping their noise to a set level.⁵⁰

4.13 Mr Peter Bayliss, Managing Director of Into Tomorrow Pty Ltd and Mr Bruce Ryan of Indyfest, provided the committee with examples of business-to-business order of occupancy disputes where a licensee or owner in close proximity has changed a venue's activities and complained about existing business noise, forcing the existing business to pay for noise attenuation measures.⁵¹

4.14 The Committee believes that including Order of Occupancy principles in the ACT's liquor licensing complaints review mechanism is a fair and suitable way to consider disputes between live event venues and local residents. The Commissioner for Fair Trading (the relevant authority) in the ACT should be able to consider order of occupancy principles when investigating complaints against licensed premises.

4.15 The Committee believes that the Government should investigate the best way to ensure that people moving into neighbourhoods where live entertainment is provided are aware of order of occupancy principles. This may include measures such as declarations in property documentation along the lines required for easements.

RECOMMENDATION 3

4.16 The Committee recommends that the *Liquor Act 1975* enable the Commissioner to consider Order of Occupancy principles when investigating complaints in relation to a licensee.

RECOMMENDATION 4

4.17 The Committee recommends that the ACT Government investigates the best ways to ensure that people moving into residential areas where live entertainment is provided are made aware of Order of Occupancy principles.

hearing and determining a disturbance or noise complaint in relation to a licensed venue the Commissioner or the Court (the body may vary depending on the nature of the complaint) must take into account:

- (i) the relevant history of the licensed premises in relation to other premises in the vicinity and, in particular, the period of time over which the activity, noise or behaviour complained about has been occurring and any significant change at any relevant time in the level or frequency at which it has occurred.⁴⁶

4.10 In New South Wales, Western Australia and South Australia order of occupancy considerations are also supported by a reference in the object of their Liquor Acts:

The objects of the Liquor Act must be considered in deciding any matter before the licensing authority. It is important that the Act includes an object that recognises the value and importance of live music. Then, the interests of music become a relevant consideration in licensing matters such as applications, amenity or complaints processes, variations on trading hours and conditions or transfer of licenses.⁴⁷

Application to the ACT

4.11 The majority of witnesses and submissions to this inquiry support the concept of order of occupancy in some form but many emphasised the need for any order of occupancy requirement to be accompanied by adequate rules around building sound attenuation.⁴⁸

4.12 The Canberra Blues Society (CBS) highlighted a number of local cases where new residential developments in proximity to venues had resulted in noise complaints. Some venues were now self-regulating, limiting their entertainment to a few nights a week and finishing early in order to avoid complaints.⁴⁹ The CBS advised the Committee that they self-regulate their

⁴⁶ Liquor Licensing Act 1997 (SA), s106(6)

⁴⁷ Music Council of Australia, *A comparison of state and territory legislation and regulations pertaining to live entertainment in liquor-licensed venues in Australia*, 2008, p7.

⁴⁸ Submission 1; Submission 2; Submission 3; Submission 7; *Transcript of Evidence*, 27 October 2009, pp17-19, 27, 37; *Transcript of Evidence*, 6 November 2009, pp59-60.

⁴⁹ *Transcript of Evidence*, 27 October 2009, pp18-19.

⁵⁰ *Transcript of Evidence*, 27 October 2009, p19.

⁵¹ *Transcript of Evidence*, 27 October 2009, pp36-7.

5 BUILDING CODES

5.1 Whilst Order of Occupancy considerations provide a mechanism for complaints against licensed venues which can take into account change in use as well as structural changes to the premises of both parties, it is also possible to establish other mechanisms that address amenity issues at the time a new development is being planned. The performance requirements of new developments in mixed use areas should be adequate to reduce the likelihood of complaints in the first place.

5.2 The Music Council of Australia comments in its report on state and territory legislation and regulations pertaining to the presentation of live entertainment in liquor-licensed venues in Australia, that:

Whilst a neighbour can complain that entertainment from a local entertainment venue may be audible, what processes are there in place to ensure that residents are equally compliant with the construction performance requirements appropriate for the location?⁵²

5.3 Similar concerns were raised in submissions, suggesting that building codes relating to the co-location of residential and business developments need to be reviewed, particularly the need for suitable sound attenuation, and for new developments to take responsibility for the attenuation measures.⁵³

5.4 The Committee notes inner city residential developments need appropriate noise attenuation:

...the consideration should not be to the detriment of investment opportunities such as residential developments, but be in a reasonable and equitable manner to maintain opportunities and a vibrant society.⁵⁴

The Building Code of Australia

5.5 The Committee was advised by the Chief Planning Executive, Mr Neil Savery, that in the context of this inquiry, the Building Code of Australia (BCA) has no relevance as it deals with internal noise attenuation between tenancies within a building rather than external sound attenuation.⁵⁵ The BCA has no jurisdiction or authority in relation to land use planning and zones and therefore the relationship of activities to one another.⁵⁶ The Committee was also advised that the Building Codes Board made a decision in 2008 that external noise attenuation in regard to the proximity of different land uses was not a role for the BCA. If they wished, each jurisdiction would be able to set their own policies on the issue through their respective planning processes.⁵⁷

Territory Plan - Development Codes and Precinct Codes

5.6 In the ACT, there are currently some requirements for developers to take responsibility for sound attenuation at the development application stage.

5.7 The Committee was advised that ACTPLA considers the proximity of adjacent land uses and associated issues such as noise, traffic, privacy when assessing development applications:

When you go through the territory plan and look at all the provisions that are trying to establish what issues we should be looking at in assessing a development application in terms of the impacts of a new development on an existing development, you are putting into effect that issue of order of occupancy.⁵⁸

5.8 The Territory Plan includes Development Codes and Precinct Codes that are

⁵² Music Council of Australia, *A comparison of state and territory legislation and regulations pertaining to the presentation of live entertainment in liquor-licensed venues in Australia*, 2008, p8.

⁵³ Submission 1, Submission 2, p4; Submission 3, pp3 & 11-12; Submission 4, *Transcript of Evidence*, 27 October 2009, pp18-19.

⁵⁴ Submission 3, p3.

⁵⁵ *Transcript of Evidence*, 6 November 2009, pp44-5.

⁵⁶ *Transcript of Evidence*, 6 November 2009, p44.

⁵⁷ *Transcript of Evidence*, 6 November 2009, p44.

⁵⁸ *Transcript of Evidence*, 6 November 2009, p45.

- 5.12 CZ5 zones in the Gungahlin District have additional noise attenuation criteria requiring that 'noise-generating uses are located to minimise impacts on residential or commercial accommodation development.'
- 5.13 Kingston Group Centre also has additional noise attenuation requirements:
For Kingston Section 22 Blocks 21, 25-33:
Where additional Restaurant, Hotel or Motel uses are applied for, a noise management plan is prepared by an accredited acoustic specialist and endorsed by the relevant authority. The noise management plan details the design, siting and construction methods, which will be used to minimise the impact of noise on neighbours in accordance with the noise standards prescribed in the relevant environmental legislation and the hours of operation relevant to the appropriate noise standards.⁵¹

Residential

- 5.14 The Residential Zones Multi Unit Housing Development Code also includes a number of requirements relating to amenity for multi unit housing, including noise and acoustic privacy.
- 5.15 Multi unit residential developments in RZ4 and RZ5 zones (as they apply in Belconnen, Bruce, Hawker, Narrabundah, Woden District and Tuggeranong District) and in all commercial zones must be designed and constructed to comply with Australian Standards AS/NZS 3671 Acoustics – Road traffic noise intrusion, building siting and construction and AS/NZS 2107 Acoustics – Recommended design sound levels and reverberation terms for building interiors. They must also comply with the ACT Environment Protection Regulations and ACT Draft Noise Management Guideline 1996.⁵²
- 5.16 The siting and design of apartment buildings also needs to provide acoustic privacy and protect the privacy of neighbours.⁵³
- 5.17 The code provides rules and criteria for mixed use developments, such as

⁵¹ Territory Plan, 'Group Centres Precinct Code', 2008, Part 4.4, R14, p20.
⁵² Territory Plan, 'Residential Zones – Multi-Unit Housing Development Code', 2008, Part C(5), Rule R228, p85.
⁵³ Territory Plan, 'Residential Zones – Multi-Unit Housing Development Code', 2008, Criteria C229, p83.

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intended to provide additional planning, design and environmental controls to support the Territory Plan zone and precinct objectives and the assessable uses in development tables. ACTPLA uses the codes to assess development applications. The controls in each code are expressed as either rules, which are generally definitive and quantitative, or as qualitative criteria.⁵⁴

- 5.9 The Chief Planning Executive highlighted to the Committee that in some cases new commercial developments also have conditions attached to the development approval requiring them to include noise attenuation, to ensure that existing uses in close proximity are not adversely affected by a new occupant.⁵⁵ The conditions are designed so that the business can operate effectively within the noise limits set by the EPA.
- 5.10 Some of the relevant Territory Plan code requirements are discussed in detail below.

Noise – code requirements for noise attenuation

Commercial

- 5.11 All commercial Development Codes and Precinct Codes under the Territory Plan require that:

A Noise Management Plan, prepared by an accredited acoustic specialist who is a member of the Australian Acoustical Society, endorsed by Environment Protection is provided for the following uses:

- club
- drink establishment
- hotel
- industry (except light industry)
- indoor entertainment facility
- restaurant

The Noise Management Plan details the design, siting and construction methods, which will be used to minimise the impact of noise on neighbours.

⁵⁴ Territory Plan, 'Residential Zones – Multi-Unit Housing Development Code', 2008, Part 3.3, p1.
⁵⁵ Transcript of Evidence, 6 November 2009, p45.

where residential apartments are built on top of commercial space. Criteria C230, for example, requires that:

Apartments near other uses are designed with regard to the potential noise from those activities by locating noise-sensitive sleeping and living areas and private open spaces away from the noise source and by incorporating appropriate noise reduction measures in the construction of the buildings.

- 518 The code also allows for other sound attenuation, such as the use of courtyard walls and fences forward of the building line 'where they provide an acoustic barrier to traffic noise whilst maintaining opportunities for casual surveillance of public places.'⁶⁴

Inner North and Gungahlin

- 519 The *Residential Zones Multi Unit Housing Development Code* also contains specific provisions for acoustic privacy for multi unit housing in the RZ3 – Urban and RZ4 – Medium Density Zones in Inner North Canberra and the Gungahlin District. Buildings must be constructed in accordance with *Australian Standard 3671: Acoustics – Road Traffic Noise Intrusion, Building Siting and Construction*. If that standard cannot be met, the criterion requires that:
- the design and siting of buildings minimises noise penetration into dwellings exposed to offsite noise. Separation distances or acoustic barriers are provided to achieve acoustic privacy between dwellings.

- 520 Development applications for multi unit housing are assessed against these code requirements.

Consultation with Environment Protection Authority

- 521 The *Planning and Development Act 2007* also requires that development applications in the Impact Track be referred to the EPA for consultation. In light of feedback from the EPA, ACTPLA may place additional conditions on a developer to include improved noise attenuation. For example, in a

residential building proposed for a commercial setting ACTPLA may require additional noise attenuation 'to lessen the likelihood of future residents complaining'.⁶⁵ Similarly, if a commercial building beside an existing residential development wanted to change their business use under their lease, such as from a shop to a drink establishment, ACTPLA approval is required and the onus would be on the drink establishment to put the necessary noise attenuation in their facility to safeguard the residents from likely additional noise.⁶⁶

- 522 The Committee would like the Territory Plan Development Code and Precinct Code provisions to require more assessment of the balance between residential amenity and the provision of live entertainment and other activities within neighbourhoods.

Reverse Sensitivity

- 523 The Committee heard that the concept of 'first occupant rights' in New Zealand is called reverse sensitivity, and relates to the effect of new developments on existing activities. It recognises that the existing activities set the ambient environment, be it noise, smell, traffic and that new developments must 'bear the cost of ensuring the existing environment is unaffected by your development'⁶⁷ and protect existing users from complaints by new developments. The CBS particularly supported the need for incoming developments to take the onus for implementing adequate sound attenuation measures.⁶⁸

- 524 Reverse sensitivity is considered at the development application stage for new developments.

- 525 The Committee acknowledges that the Territory Plan Development Codes and Precinct Codes do, to some extent, embrace the concept of reverse sensitivity where the onus is on the incoming developer to take

⁶⁴ Transcript of Evidence, 6 November 2009, p47.

⁶⁵ Transcript of Evidence, 6 November 2009, p47.

⁶⁷ Transcript of Evidence, 6 November 2009, p60.

⁶⁸ Transcript of Evidence, 27 October 2009, pp18-19.

⁶⁴ Territory Plan, 'Residential Zones – Multi-Unit Housing Development Code', 2008, Criteria C123, p56.

overarching Objective in the relevant Development Codes and Precinct Codes of the Territory Plan.

Amenity in Commercial Centres

- 5.31 A number of witnesses emphasised to the Committee that, people residing or working in commercial centres must accept that they cannot expect the same level of amenity as property in residential zones, particularly as residential and higher-density development increases in commercial centres.⁷³
- 5.32 The Committee heard that owners and tenants need to be made aware that they cannot expect the same level of amenity as solely residential areas. Ambient noise in commercial centres goes beyond entertainment facilities and includes traffic, the noise of patrons arriving or leaving venues, delivery trucks, garbage trucks, etc.⁷⁴
- 5.33 The Committee notes, however, that in the ACT, even if residents are aware of what other legitimate activities or businesses are taking place in close proximity before buying or leasing, the commercial leases usage may change.⁷⁵
- 5.34 Additionally, both the Chief Planning Executive and representatives from the Planning Institute of Australia (ACT) highlighted that, even when residents are aware of the ambient noise levels and all possible uses of neighbouring commercial leases and even in cases where residents signed an acknowledgement (no-complaint covenant) when purchasing or leasing, no level of awareness could stop residents' right to lobby for change.⁷⁶
- 5.35 The Committee notes that because of the right to lobby for change, it is necessary to include Order of Occupancy considerations in complaints assessments and to strengthen the concept of reverse sensitivity.

⁷³ Transcript of Evidence, 6 November 2009, p46; Transcript of Evidence, 27 October 2009, p26.
⁷⁴ Transcript of Evidence, 6 November 2009, pp49 & 66; Transcript of Evidence, 27 October 2009, p26.
⁷⁵ Transcript of Evidence, 6 November 2009, p47.
⁷⁶ Transcript of Evidence, 6 November 2009, pp54, 56, 59 & 61.

responsibility for attenuating noise. The requirements that are in place 'seek to minimise the potential for residents to want to advocate or lobby for those things to be changed'.⁶⁹ However, APRA stressed to the Committee that principles such as reverse sensitivity and order of occupancy must be clearly written into planning regulations rather than implied or they '...may as well not exist'.⁷⁰

5.26 The Committee believes that the concept of reverse sensitivity could be strengthened in the ACT by including the concept as an overarching Objective in the relevant development codes, such as the *City Centre Precinct Code*, including related rules and criteria for specific commercial zones.

Role of Leases

5.27 The Committee was advised by the Chief Planning Executive that the ACT is also in a unique position because leases in ACT commercial centres typically have multiple uses. A 'person who has purchased the lease believes they have an entitlement to exercise all of those uses, one or two of those uses, and they can change them through the life of their lease'.⁷¹

5.28 The Committee heard that the multipurpose or 'broadband' leases do not provide an automatic entitlement for a lessee to use all of those permitted uses. They still require a Development Application to examine the potential implications of any changes to the approved use if a lessee wants to access those other allowable uses in the lease.⁷²

5.29 The concept of reverse sensitivity supports this requirement, as the onus would be on new developments to manage the effect of the ambient environment within their development, including noise levels.

RECOMMENDATION 5

5.30 The Committee recommends that the ACT Planning and Land Authority include the concept of Reverse Sensitivity as an

⁶⁹ Transcript of Evidence, 6 November 2009, p49.
⁷⁰ Transcript of Evidence, 6 November 2009, p67.
⁷¹ Transcript of Evidence, 6 November 2009, p46.
⁷² Transcript of Evidence, 6 November 2009, p53.

Ensuring Appropriate Physical Security and Safety

- 5.36 Physical Security and Safety issues are also included in the Territory Plan Development Codes and Precinct Codes to some degree within landscaping and lighting requirements. There are no specific requirements in relation to Physical Security and Safety and the co-location of residential areas with live music and entertainment venues.
- 5.37 All commercial Development Codes and Precinct Codes include a criteria for landscaping:
A documented landscape design concept shows how landscape associated with the development addresses all of the following:
j) does not obscure or obstruct building entries, paths and driveways to reduce the actual or perceived personal safety and security.
- 5.38 Similarly, all Commercial Development Codes and Precinct Codes include lighting rule that:
External lighting is provided to building frontages, to all pathways, roads, laneways and car-parking areas in accordance with *Australian Standard AS1158.1.3 Pedestrian Lighting*.
The associated criterion requires that 'External lighting is provided in accordance with the *Crime Prevention Through Environmental Design General Code*'.
- 5.39 Local centres, CZ2 Office Areas and CZ6 Precinct and Development Codes state that 'all outdoor lighting, including security and car park lighting, is designed and sited to minimise light spill.'
- 5.40 City, Town and Group Centres as well as the CZ5 Precinct Code, include a rule that 'all external lighting provided is in accordance with AS 4282 Control of the Obtrusive Effects of Outdoor Lighting.'

Crime Prevention Through Environmental Design General Code

- 5.41 Additionally, the *Crime Prevention Through Environmental Design General Code* is a part of the Territory Plan and sets out specific requirements for crime

prevention through environmental design (CPTED)⁷⁰ to ensure that issues of community safety are adequately addressed in decision making for land use and development activities in the ACT.⁷¹ The code applies to all zones in the ACT except single dwellings and development in rural and broadacre zones.

- 5.42 The Code deals with environmental design issues such as natural surveillance, natural access, landscaping lighting, signage and building interfaces.
- 5.43 Developments that are relevant to this inquiry and which are required to meet the code include:
- Residential care accommodation
 - Community activity Centre
 - Community theatre
 - Club
 - Drink establishment
 - Restaurant
 - Indoor entertainment Facility
 - Guest house
 - Boarding house
 - Place of assembly⁷²

5.44 The Committee notes that this Code, in conjunction with the other provisions of the Territory Plan, seem to provide reasonable guidance on physical security and safety in relation to all development types. The Code does not provide guidance specifically on issues related to co-location of residential developments and live entertainment venues.

⁷⁰ ACT Government, *Crime Prevention Through Environmental Design General Code*, Part A (1) Neighbourhood Design, p1.

⁷¹ ACT Government, *Crime Prevention Through Environmental Design General Code*, Part A (1) Neighbourhood Design, p4.

6 EVENT PROMOTION

- 6.1 Both distribution and marketing are important to the live music industry to attract audiences and establish some recognition. The Committee notes that many bands, music groups and performers have limited funds with which to promote their events.
- 6.2 The Committee heard that many live performers undertake their own advertising, like the CBS who use as much free advertising as possible. Venues do not generally do a lot of promotion for themselves or their performers⁷⁹ and Memorandums of Understanding are often established between venues and entertainers, requiring the entertainers to promote their event and the venues.⁸⁰

Bill Posting

- 6.3 Advertising using posters remains one of the most common forms of promotion for live music and events. Many submissions to the Committee reinforced the benefits of enabling legal bill posting as a low-cost way for live performers to promote their acts as well as assisting a performer to establish a 'brand' and a following.⁸¹
- 6.4 The Canberra Blues society supported the need for community display space, such as bill posting silos and community noticeboards, in order to 'increase the opportunities for community-based non-profit groups...to reach out to and engage with the broader community'.⁸² The Committee also heard that having a defined posting space, in collaboration with some art work such as a mural, may be an effective means of providing legal bill posting facilities.

- 6.5 Submissions to the Committee and witnesses were particularly concerned about the current limited number of legal bill posting facilities in Canberra, particularly poster silos or bollards, and many called for increased bill posting facilities in smaller shopping/town centres.⁸³
- 6.6 Report number three of the Standing Committee on Planning, Public Works and Territory and Municipal Services on the Inquiry into the *Crimes (Bill Posting) Amendment Bill 2008* discussed a number of issues around bill posting and community notice facilities.
- 6.7 The Committee's recommendations in that report focused on the need for increased bill posting facilities as well as the need for information on legal bill posting locations and on the application of the legislation to be made easily accessible. The report also recommended that the ACT Government undertake a comprehensive public awareness campaign on legislation affecting bill posting.⁸⁴
- 6.8 In its response to the above report, the ACT Government re-affirmed its commitment 'to significantly increasing the number of bill-posting silos across Canberra' and outlined the level of appropriation received this calendar year for this to proceed. By the end of February 2010, the Government anticipates that 22 new bill posting silos will be installed around Canberra.⁸⁵
- 6.9 One submission to the Committee called for more stringent bill posting etiquette and a designated cleaning day for Government-provided bill posting facilities.⁸⁶ The Committee notes that the Territory and Municipal Services website advises that 'poster pillars operate on a first come, first served basis, with posters removed monthly within the first five days of a new month'⁸⁷ and the Committee believes this is adequate notice to assist

⁷⁹ Submission 3, p9; Submission 1; *Transcript of Evidence*, 27 October 2009, p40.

⁸⁰ Standing Committee on Planning, Public Works and Territory and Municipal Services, Inquiry into the *Crimes (Bill Posting) Amendment Bill 2008*, Report 3, Seventh Assembly, 2009.

⁸¹ ACT Government, *Response to Report 3 of the Standing Committee on Planning, Public Works and Territory and Municipal Services, Inquiry into the Crime (Bill Posting) Amendment Bill 2008*, 2009.

⁸² Submission 3, pp9-10.

⁸³ *Ibid.*

⁷⁹ *Transcript of Evidence*, 27 October 2009, p23.

⁸⁰ Submission 1.

⁸¹ Submission 3, p9; Submission 1; Submission 4; Submission 7; *Transcript of Evidence*, 27 October 2009, p40.

⁸² Submission 1.

⁸³ Submission 1.

posterers to plan their posterling activities.

- 6.10 The Committee also notes that posterling etiquette guidelines will be reinforced in any bill posting awareness campaign undertaken by the ACT Government in relation to new bill posting facilities. However, as noted by the ACT Government in its response to report three on the Inquiry into the *Crime (Bill Posting) Amendment Bill 2008*, poster etiquette guidelines are also not legally enforceable and offers only general guidance.

Commercial Developments

- 6.11 Submissions to the Committee and witnesses did not address options to encourage or require large commercial developments in group or town centres to provide community bollards for the promotion of events via bill posters, other than a general consensus that more bill posting facilities are required in Canberra.

- 6.12 The Government response to the Inquiry into the *Crime (Bill Posting) Amendment Bill 2008* noted a number of factors that should be considered when selecting locations for bill posting silos, with priority given to Town Centres and Group Centres, followed by local shopping centres selected based on bill posting 'hotspot' data and areas of genuine demand.⁸⁸ The Government response also noted the need for planning approval for silo installation, selection of 'locations that are safe...and do not impede pedestrian movement' and possible heritage sensitivities.⁸⁹ The Government response also noted that entertainment venues come and go so the need and demand for bill posting facilities is correspondingly variable.

- 6.13 The above factors must also be taken into account by commercial developments if they choose to, or are required to, provide community bollards for bill posting.

- 6.14 The majority of the Committee does not believe it is appropriate to force

commercial developments to provide and maintain community poster bollards because of the costs involved particularly for poster removal and cleaning.

- 6.15 If commercial developments choose to provide such facilities, the responsibility for the maintenance, repair, cleaning and removal of inappropriate material from bollards would most likely fall to the building owner or lessee. Lease conditions usually include a requirement for tenants to, keep the premises clean and tidy and free from rubbish and other unsightly matter which the Committee considers would most likely capture any bill posting facilities. Despite this, there remains a risk that the poster facility will not be maintained and cleared regularly, adding to the visual pollution of commercial centres.

- 6.16 The Committee acknowledges that, if large commercial developments were to provide community poster bollards, maintenance and cleaning responsibility could be negotiated between the commercial development and the Department of Territory and Municipal Services. However, the burden of maintaining many additional bill posting sites may also be excessive to add to the existing TAMS poster clearing work.

- 6.17 The Committee support action to encourage more commercial developments and private businesses to provide bill posting and community noticeboard facilities if they feel it is appropriate and manageable for their business.

RECOMMENDATION 6

- 6.18 The Committee recommends that private businesses and commercial developments be encouraged to provide bill posting facilities.

⁸⁸ ACT Government, *Response to Report 3 of the Standing Committee on Planning, Public Works and Territory and Municipal Services, Inquiry into the Crime (Bill Posting) Amendment Bill 2008, 2009*, p1-2.

⁸⁹ ACT Government, *Response to Report 3 of the Standing Committee on Planning, Public Works and Territory and Municipal Services, Inquiry into the Crime (Bill Posting) Amendment Bill 2008, 2009*, p1.

7 OTHER CONSIDERATIONS

Other regulatory approaches

Queensland - Brisbane Fortitude Valley Precinct

7.1 In Brisbane, the issues of co-location of residential developments and live event venues has been addressed by establishing entertainment precincts such as in Fortitude Valley, which are subject to special regulatory requirements.

7.2 Fortitude Valley has been established as an entertainment precinct (see Appendix C) to 'provide for and encourage a variety of live music, nightclub and other music venues into the Valley'.⁵⁰ The ambient noise levels are accepted as being relatively higher than other areas of Brisbane and new residential and entertainment developments in the Core Area must be designed with appropriate noise attenuation measures.

7.3 To support the zoned entertainment precincts, the Queensland *Liquor Act* 1992 includes provisions for a higher level of noise to be emitted from licensed premises in the precincts.⁵¹ If a special entertainment precinct is established under the *Local Government Act* 1993, amplified music played at a licensed premises in that precinct is exempt from the 'abatement of nuisance or dangerous activity' provisions of the *Liquor Act* 1992.

7.4 The Valley Music Harmony plan was created in 2002 by the Brisbane City Council 'to address the concerns and conflict created by the convergence of mixed land uses in the Valley'.⁵² It was developed in consultation with key stakeholders, including residents, community representatives, business

owners, venue owners and operators, the development industry and relevant government agencies and involved them from the beginning to help scope the issues and undertake problem-solving.⁵³ The Committee heard that the issues were debated in a cordial fashion.⁵⁴

7.5 Importantly, the plan acknowledges that 'residents and businesses in and around the Valley special entertainment area will experience a higher ambient noise environment than expected in suburban residential or semi-rural living'.⁵⁵ The ambient noise environment, including 'noise levels and noise frequency spectrum of different types of music and noise insulation performance of venues and apartments' was established through research undertaken by Brisbane City Council.⁵⁶

7.6 The five key features of the Valley Music Harmony Plan are to:

- Designate a special entertainment area within the Valley and a buffer area. The enhancement and expansion of the music-based entertainment industry will be encouraged within the special entertainment area and not within the special entertainment area buffer or the remainder of the Valley.⁵⁷

- Require new development to attenuate noise.

Higher noise limits are permitted in the core of the precinct and developments in both the core and buffer areas will need to have adequate noise attenuation.⁵⁸ The onus is on the 'agent of change' to adequately insulate their development from noise:

Music from entertainment venues (particularly nightclubs) contains a lot of propulsive low frequency (bass) noise ... Therefore new residential buildings in the Valley will require higher construction standards to cater for impulsive low frequency noise. Venues will also have lighter restrictions for low frequency noise late at night...

...The "Fortitude Valley Local Plan" will be amended to require new residential

⁵⁰ Brisbane City Council, *Valley Music Harmony Plan*, 2004, p2.

⁵¹ *Transcript of Evidence*, 27 October 2009, p2.

⁵² Brisbane City Council, *Valley Music Harmony Plan*, 2004, p2.

⁵³ Brisbane City Council, *Valley Music Harmony Plan*, 2004, p6.

⁵⁴ Brisbane City Council, *Valley Music Harmony Plan*, 2004, p8.

⁵⁵ Brisbane City Council, *Valley Music Harmony Plan*, 2004, p8.

⁵⁶ *Valley Music Harmony Plan: amendments to Brisbane City Plan 2000*, 'Amendments to Fortitude Valley Local Plan, Newstead Tenneriffe Waterfront Local Plan and Bowen Hills Local Plan', <http://www.valleyentertainmentprecinct.com/docs/Legislation/Valley%20Music%20Harmony%20Plan2000_kil.pdf>

⁵⁷ Live Music (R)evolution, *Liquor*.

⁵⁸ Brisbane City Council, *Valley Music Harmony Plan*, 2004, p6.

apartments and accommodation to be designed and constructed to achieve a minimum noise reduction of 25 decibels in the 63 hertz frequency band, within the Valley special entertainment area and buffer.

...This noise insulation requirement for new residential type buildings may not provide silence, and is a minimum standard only.⁹⁹

It should also be noted that the standard is based on windowns of a residential building being closed because of the accepted higher level of ambient noise in the precinct.

- Adopt new uniform noise emission levels for music venues in the Valley special entertainment area.

The proposed music noise emission levels will allow a reasonable increase in the internal noise level of music venues before midnight/1am to ensure live music can function, but will not increase current lawful levels for music venues after midnight/1am. The proposed emission levels are close to the noise levels currently emitted by venues in most instances.¹⁰⁰

The new noise emission levels are measured at the venue, meaning the permissible level of music noise from a venue will not depend on how close a venue is to residences. Maximum noise levels inside venues will still vary based on the level of noise insulation:

The internal levels will be based on achieving the proposed music noise emission levels of Table 1 at the boundary of the licensed area of the venue.

TABLE 1: PROPOSED MUSIC NOISE EMISSION LEVELS FOR MUSIC VENUES SITUATED IN THE VALLEY SPECIAL ENTERTAINMENT AREA

Average Music Noise Emission Level	Music Noise Emission Level Time Limit	Venue Location
80 dB (C) Leq	10am – 1am Thurs, Fri & Sat 10am – midnight Other days	Valley Special Entertainment Area A (see appendix 1)
70dB (C) Leq	At all other times	Valley Special Entertainment Area A (see Appendix 1)
80 dB (C) Leq	10am – midnight Fri & Sat 10am – 11pm Sun to Thurs	Valley Special Entertainment Area B (see appendix 1)
55 dB (C) Leq	At all other times	Valley Special Entertainment Area B (see appendix 1)

- Provide noise management assistance and advice (and info) to music venues, businesses and residents; and
- Implement a communication strategy to improve communication between government, industry and the community and to make potential residents aware of the Valley's entertainment values before they move to the Valley.¹⁰¹

Entertainment Precincts

27 The Committee heard that the Planning Institute of Australia (ACT) supported the concept of entertainment precinct identification, such as in the Fortitude Valley case, but only on a broad scale that identifies the city or commercial centre as a whole.¹⁰² In the ACT this would mean defining a precinct as all commercial zones, or the city centre as a whole, not just the CZ5 or CZ3 zones or a few streets within the city centre. Entertainment precincts that are too narrowly defined risk creating a segregation of uses, where the entertainment 'block' may become the only lively part of the city

⁹⁹ Brisbane City Council, *Valley Music Harmony Plan, 2004*, p9.
¹⁰⁰ Brisbane City Council, *Valley Music Harmony Plan, 2004*, p13.

¹⁰¹ Brisbane City Council, *Valley Music Harmony Plan, 2004*, p13.
¹⁰² Brisbane City Council, *Valley Music Harmony Plan, 2004*, p3.
¹⁰³ *Transcript of Evidence*, 6 November 2005, pp60-61.

centre whilst other areas become dead spots.¹⁰⁴

7.8 As noted above, the Committee would like to consider this approach in comparison to other regulatory approaches to supporting live events and will await the CMC Best Practice Guide before commenting on the Fortitude Valley example.

7.13 The Committee heard that businesses could also use live music to distinguish themselves from similar businesses and do something that adds breadth to their business. It is therefore equally important that the regulations discern between different types of music and entertainment.¹¹⁰

Venue Availability

7.9 The Committee notes that live music is 'reliant on the availability of suitable community or commercial venues'.¹⁰⁵ The Committee heard, for example, that the last ten years has seen a decline in live music in licensed venues, brought about through a variety of reasons but particularly attributed to the difficult regulatory environments that exist in many States and Territories for venues to present live music.¹⁰⁶

7.10 There appears to be a shortage of small to medium sized venues in the ACT. The CBS highlighted that finding appropriate facilities is becoming increasingly difficult with 'many restrictions being imposed on the management of those facilities', particularly limits to noisy activities and night time events. The viability of commercial venues is particularly affected where they are located near residential areas because of the pressure to limit their music activities to meet strict noise guidelines.¹⁰⁷

7.11 The Committee was advised that educating venue owners and operators about the wide variety of live music that could be presented at their venue was another important factor to encourage more venues to offer live entertainment. APRA emphasised that 'live music does not necessarily mean a five-piece rock band'¹⁰⁸ so will not result in a noise issue in many cases.

7.12 It is interesting to note that live music events were also not the main cause for complaint in the Fortitude Valley region before the Valley Music

¹⁰⁴ *Transcript of Evidence*, 6 November 2009, pp53, 61 & 63.
¹⁰⁵ Submission 1.
¹⁰⁶ *Transcript of Evidence*, 27 October 2009, p2.
¹⁰⁷ Submission 1.
¹⁰⁸ *Transcript of Evidence*, 27 October 2009, p3.

Harmony Plan was put in place. The majority of noise complaints before the Harmony Plan was in place related to DJ music.¹⁰⁹

RECOMMENDATION 7

7.14 The Committee recommends that the ACT Government review the regulations that impact on live community events and ensure that the regulatory requirements for venues reflect the different types of music and entertainment that may be provided.

Community Venues

7.15 As well as commercial venues such as licensed premises, the Committee was advised that sufficient community venues are needed for live music and events to ensure they remain 'an integral part of our culture and continue to contribute to the maintenance of a vibrant, culturally diverse community'.¹¹¹

7.16 The CBS felt that community venues in the ACT were lacking and they generally had to look for commercial venues, who often do not want to work with a community organisation.¹¹²

7.17 APRA highlighted to the Committee that events held in community venues such as halls do not seem to attract the same level of complaints from event organisers about regulatory difficulties, potentially because they are more likely to be one-off events.¹¹³

7.18 The Committee notes that new community halls and similar facilities could be designed with the possibility in mind that they may be used as live event facilities. With adequate sound attenuation, they could be more versatile

¹⁰⁹ Submission 2, p4.
¹¹⁰ *Transcript of Evidence*, 27 October 2009, pp3 & 7.
¹¹¹ Submission 1.
¹¹² *Transcript of Evidence*, 27 October 2009, p16.
¹¹³ *Transcript of Evidence*, 27 October 2009, p9.

facilities.

7.19 The Committee notes that the opportunity for a 'live music economy' requires more spaces to be available, and suited, to live performances.

7.20 The Committee also heard that consideration needs to be given to youth centres and venues that are accessible to under 18's to perform to friends and peers, when reviewing the current regulatory arrangements. The Committee was advised that it is often difficult to hold an under 18's event at a licensed premises.¹¹⁴

7.21 In addition to new halls, older community facilities, such as Corroboroe Park Community Hall and youth centres, could be upgraded to have more adequate sound attenuation.

RECOMMENDATION 8

7.22 The Committee recommends that the ACT Government consider improved sound attenuation measures for existing community facilities.

RECOMMENDATION 9

7.23 The Committee recommends that the interdepartmental committee (IDC) further investigate the availability of community venues for live events in the ACT and consider how the ACT Government can better support this need.

Viability of Venues

7.24 The Committee notes that live entertainment can contribute to the viability of venues such as restaurants, cafes, pubs, clubs and hotels.

7.25 APRA advised the committee that the driving factors for venues that do provide live music were not typically financial ones. An informal survey by APRA and comments to the Committee suggests that many venues choose to provide live music because it was important to their customers and

community, or to invest in culture.¹¹⁵ Live music can also be a way to attract repeat clientele.

7.26 APRA also highlighted some case studies of businesses that have managed to provide regular live music and profit from it.¹¹⁶ Providing live entertainment can be a profitable relationship for a venue where, like the Canberra Blues Society, the entertainment fills 'a void' in the activities of their current home by conducting activities at a time the venue would otherwise be very quiet.¹¹⁷

7.27 However, the Committee also heard that for many venues, the choice to not provide live entertainment often comes down to profit margins and the risk of noise complaints and associated fines or operating limits being imposed by the EPA.¹¹⁸ Only those owners willing to take the risk and who are committed to live music maintain that entertainment.

7.28 Mr Gil Miller, publican of the George Harcourt Inn highlighted to the Committee that venues such as his may also choose not to present live music all the time because of the nature of the establishment where bands are background music.¹¹⁹ Nonetheless, Mr Miller indicated that he is committed to providing some live entertainment and advised the Committee that in addition to paid entertainment he provides live music for patrons by inviting performers to play to the outdoor crowds on a weekend as a promotional opportunity for the performer rather than for a charge.¹²⁰

7.29 Mr Bayliss and Mr Ryan advised the committee that smaller venues that were more likely to encourage start-up bands the opportunity to play in front of an audience and hone their talent, were also more likely to be affected by residential intensification and disturbance complaints.¹²¹

¹¹⁵ *Transcript of Evidence, 27 October 2009, pp12 & 22.*

¹¹⁶ *Transcript of Evidence, 27 October 2009, p12.*

¹¹⁷ *Transcript of Evidence, 27 October 2009, p16.*

¹¹⁸ *Transcript of Evidence, 27 October 2009, pp22 & 27.*

¹¹⁹ *Transcript of Evidence, 27 October 2009, p31.*

¹²⁰ *Transcript of Evidence, 27 October 2009, pp30-1.*

¹²¹ *Transcript of Evidence, 27 October 2009, pp35-6.*

¹¹⁴ *Transcript of Evidence, 27 October 2009, pp38-9.*

7.30 The Committee notes that reducing the regulatory burden and securing the rights of venues to present live entertainment may make the presentation of live music a more viable and less risky venture.

8 CONCLUSIONS

8.1 The Committee acknowledges that the current ACT noise standards reflect the different level of amenity that can be expected in the city centre, town centres, group centres, local centres and residential areas. However, there is scope for additional flexibility to assist venues to provide live entertainment at times demanded by patrons.

8.2 The Committee notes that future residents moving into a commercial or mixed use area need to be made aware of the different amenity level that should be expected, but the Committee believes no-complain covenants are not the most effective way to do this. Including Order of Occupancy considerations into liquor licensing complaints mechanisms enables all parties to have a say in the case of a complaint and for the decision maker to take into account the ambient noise of the area and first occupancy rights.

8.3 The Committee also notes that, to some degree, the current Territory Plan Development Codes and Precinct Codes require new developments to consider sound attenuation measures that may reduce the likelihood of complaints arising from owners and tenants of those premises against activity in close proximity. The Committee believes the current requirements could be strengthened by including reverse sensitivity considerations in the Zone or Precinct objectives of the Territory Plan. Appropriate rules and criteria should also be developed to reinforce the reverse sensitivity principle.

8.4 The Committee notes that whatever changes are made to support live entertainment, regulatory or otherwise, broad level consultation should take place. Problem solving and decision making processes should involve all stakeholders, from the hospitality and music industries, government, residency groups, the development industry, venue owners and the community.¹²²

8.5 The Committee notes that there appears to be a shortage of live event venues in the ACT and believes that the inter-departmental committee should investigate the issue further.

8.6 The Committee notes that there are many regulatory approaches to reducing barriers to live events in our community. As discussed at the beginning of this report, the Committee would like the opportunity to review the Cultural Ministers Council Working Group 'Best Practice Guide for the Development of a Legislative and Regulatory Environment Supporting Live Music and Entertainment'. The Committee believes this guide would be of great relevance to this inquiry and the Committee notes that the other regulatory approaches to live events in other Australian jurisdictions warrant further investigation and analysis against the Guide. The Guide was not available at the time the Committee wished to finalise this report. The Committee has therefore agreed that this inquiry should be ongoing, and that this report is an interim report only.

8.7 The Committee notes that there are other matters to explore, such as:

- Transport;
- Access;
- Public liability; and
- Security.

Mary Porter AM MLA

Chair

3 December 2009

¹²² Transcript of Evidence, 27 October 2009, p29.

Appendix A Submissions Received by the Committee

No.	Author
1	Canberra Blues Society
2	APRA/AMCOS
3	Into Tomorrow and Liquid Enterprises
4	ACT Democrats
5	George Harcourt Inn
6	ACT Government
7	Cardboard Charlie

Appendix B Environment Protection Regulation

2005 Schedule 2 (Part 2.1 and 2.2)

Noise zones, noise standards and conditions

(see s 23, s 24 and s 29)

Note Noise emitted from land in the ACT may affect NSW land. Accordingly, this regulation prescribes the noise standard for certain NSW land.

Part 2.1 Noise zones

2.1 Definitions for pt 2.1

In this part:

broadacre zone means an area designated as a broadacre zone in the territory plan.

Central National Area (City) means the area designated as Central National Area (City) in the national capital plan.

Note See s 67 (Displacement of Legislation Act, s 47 (5) and (6)).

Central National Area (Fairbairn) means the area designated as Central National Area (Fairbairn) in the national capital plan.

Central National Area (The Parliamentary Zone; Barton; sections 39, 40 and 41 of Yarralumla; Anzac Parade and Constitution Avenue; Russell; Duntroon, ADFA and Campbell Park; Development Nodes and Clubs of Lake Burley Griffin and Forshores) means the area of that name in the national capital plan.

city centre means the area identified as the city centre in the City Centre Precinct Code in the territory plan.

commercial CZ4 zone means an area designated as a commercial CZ4 (Local Centres Zone) zone in the territory plan.

commercial CZ5 zone means an area designated as a commercial CZ5 (Mixed Use Zone) zone in the territory plan.

community facility zone means an area designated as a community facility zone in the territory plan.

group centre means an area identified as a group centre in the Group Centres Precinct Code in the territory plan.

industrial zone means an area designated as an industrial zone in the territory plan.

leisure and accommodation zone means an area designated as a leisure and accommodation zone in the territory plan.

national capital plan means the national capital plan as in force from time to time.

Note National capital plan is defined in the Legislation Act, dict, pt 1.

office site means an area identified as an office site outside the city centre, group

centres and town centres in the territory plan.

Queanbeyan city business zone means a business zone under the *Queanbeyan Local Environmental Plan 1998*, as in force from time to time, made under the *Environmental and Planning Assessment Act 1979* (NSW).

Note See s 67 (Displacement of Legislation Act, s 47 (5) and (6)).

Queanbeyan city industrial zone means an industrial zone under the *Queanbeyan Local Environmental Plan 1998*, as in force from time to time, made under the *Environmental and Planning Assessment Act 1979* (NSW).

Queanbeyan city special uses zone means a special uses zone under the *Queanbeyan Local Environmental Plan 1998*, as in force from time to time, made under the *Environmental and Planning Assessment Act 1979* (NSW).

restricted access recreation zone means an area designated as a restricted access recreation zone in the territory plan.

town centre means an area identified as a town centre in the Town Centres Precinct Code in the territory plan.

TSZ2 services zone means an area identified as a TSZ2 (Services Zone) zone in the territory plan.

Table 2.1

item	column 1	column 2	column 3	column 4
1	zone A	land in an industrial zone	ACT land	NSW land
2	zone B	land in the city centre and town centres	land in the Central National Area (City)	land in the Queanbeyan city industrial zone
3	zone C	land in group centres and office sites	land in the Central National Area (The Parliamentary Zone; Barton; sections 39, 40 and 41 of Yarralumla; Anzac Parade and Constitution Avenue; Russell; Duntroon, ADFA and Campbell Park; Development Nodes and Clubs of Lake Burley Griffin and Forshores)	land in the Queanbeyan city business zone
4	zone D	land in a commercial CZ4 zone		
5	zone E	land in— • a restricted access recreation zone • a broadacre zone		
6	zone F	land in— • a commercial CZ5 zone • a TSZ2 services zone • a community facility zone • a leisure and accommodation zone		land in the Queanbeyan city special uses zone

column 1 item	column 2 noise zone	column 3 ACT land	column 4 NSW land
7	zone G	all areas other than Central National Area (Fairbairn)	other NSW land

Note: The territory plan is available at www.actpla.act.gov.au.

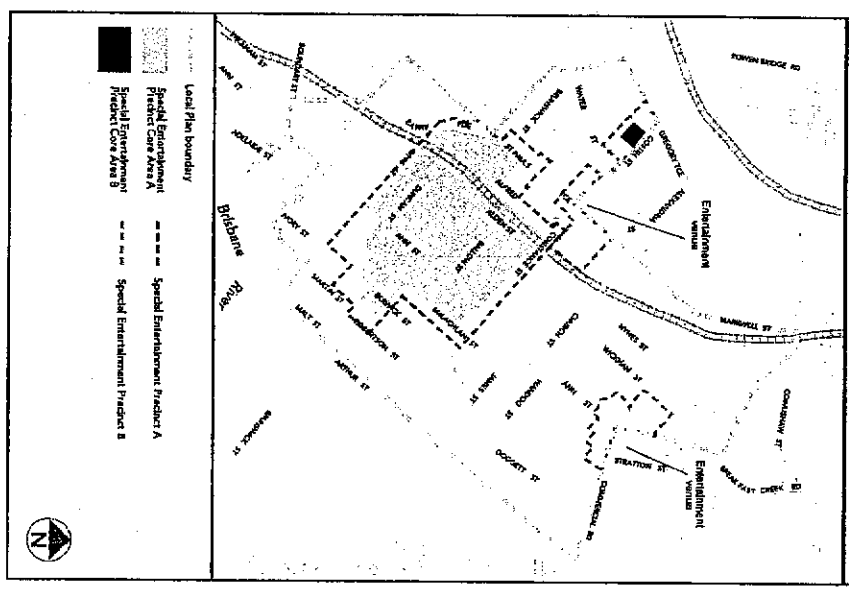
Part 2.2 Noise standards

Table 2.2

column 1 item	column 2	column 3 noise standard (dB(A)) Monday-Saturday 7am-10pm Sunday and public holiday 8am-10pm	column 4 noise standard (dB(A)) Monday-Saturday 10pm-7am Sunday and public holiday 10pm-8am
1	zone A	65	55
2	zone B	60	50
3	zone C	55	45
4	zone D	50	35
5	zone E	50	40
6	zone F	same as the noise standard for the adjoining noise zone with the loudest noise standard for the time period	
7	zone G	45	35

Appendix C Fortitude Valley Entertainment Precinct

Map of Precincts 123



223 Brisbane City Plan, Fortitude Valley Local Plan, Chapter 4, p62.

Appendix D Additional Comments - Caroline Le Couteur MLA

My concern is in relation to the discussion about encouraging new commercial developments to provide bill posting facilities. Bill posting provides an important means of local communication about things that matter to members of the community. Live music can be part of that conversation and bill posting is particularly important for smaller and less professional events.

I have a much more positive view of the private provision of bill posting facilities than the rest of the committee. Many shopping centres (Garran, Lyneham and Red Hill to name a few) have them. They seem to be most successful where they are in an open, easily accessible location. As part of the normal maintenance, these shopping centres seem to be able to keep the bill posting areas reasonably tidy.

The Government could make it a requirement of leases for new commercial developments to provide and maintain noticeboards or other bill posting facilities. Given that government resources are already stretched, I believe it is reasonable for lessees who provide these facilities to maintain them. I expect that this can be done for minimal cost, as part of existing maintenance and cleaning regimes.

Recommendation

New local, group and town centres should be required to provide bill posting facilities as part of the development conditions. This should also be done for new development applications on sites in existing local, group or town centres, where appropriate

Caroline Le Couteur

8 December 2009



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COPY

Jon Stanhope MLA
CHIEF MINISTER

MINISTER FOR TRANSPORT MINISTER FOR TERRITORY AND MUNICIPAL SERVICES
MINISTER FOR BUSINESS AND ECONOMIC DEVELOPMENT
MINISTER FOR INDIGENOUS AFFAIRS MINISTER FOR THE ARTS AND HERITAGE

MEMBER FOR GINNINDERRA

Ms Mary Porter AM MLA
Chair
Standing Committee on Planning, Public Works and Territory and Municipal Services
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Dear Ms Porter 

Thank you for your letter of 19 February 2010 regarding the Standing Committee on Planning, Public Works and Territory and Municipal Services' interest in the best practice guide developed by the Cultural Ministers Council's Contemporary Music Development Working Group (CMDWG).

In 2008, the CMDWG endorsed a project to develop a report on good practice regulation for live music and entertainment in states and territories. The final consultancy report was used to develop *Supporting Australia's Live Music Industry: Suggested Principles for Best Practice*. The document examines issues in regards to live performance which are affected by regulation, and highlights a number of best practice principles which could be considered by government agencies in their own regulatory environments.

At the Cultural Ministers Council meeting on Friday 9 October 2009, members endorsed the content and release of the final draft of the best practice guide, and also recommended that the document be appropriately formatted and released out of session. artsACT has confirmed with the Australian Government Department of Environment, Water, Heritage and the Arts that the final document is still with the CMC Chair for approval. artsACT staff will be in contact with your office once it is publically released, however, the document remains in confidence until then.

artsACT would be keen to be informed of the Standing Committee's progress in regards to live music. The contact officer is David Whitney, Director of artsACT, on 6207 2389.

I look forward to the outcome of the inquiry when it is presented to the Legislative Assembly.

Yours sincerely

Jon Stanhope MLA
Chief Minister

5 MAR 2010

ACT LEGISLATIVE ASSEMBLY



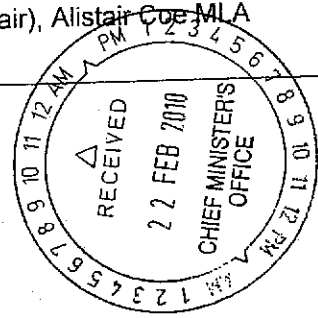
C452/10

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LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY
STANDING COMMITTEE ON PLANNING, PUBLIC WORKS
AND TERRITORY AND MUNICIPAL SERVICES

Mary Porter AM MLA (Chair), Caroline Le Couteur MLA (Deputy Chair), Alistair Cooe MLA

Mr Jon Stanhope MLA
Minister for the Arts and Heritage
Legislative Assembly for the ACT
GPO Box 1020
Canberra ACT 2601



Inquiry into Live Community Events

Dear Chief Minister,

I am writing again on behalf of the Standing Committee on Planning, Public Works and Territory and Municipal Services regarding the Cultural Ministers Council best practice guide for the development of a legislative and regulatory environment supporting live music and entertainment.

As you know, the Cultural Ministers Council (CMC) has established a Working Group on Contemporary Music Development and has commissioned the writing of a best practice guide. I understand that the guide has been completed.

As you are also aware, the Committee would like to consider the guide before reporting further on its inquiry into Live Community Events. Could you therefore please advise the Committee where the finalisation process for the guide is up to and when the Committee may expect to receive a copy?

Yours sincerely

Ms Mary Porter
Chair
19 February 2010

**REDUCTION OF BARRIERS TO THE PRODUCTION OF LIVE MUSIC IN THE ACT
INTERDEPARTMENTAL COMMITTEE**

MEETING

**Tuesday 2 March 2010
10.00 – 11.30am
Level 5, Conference Room
Canberra Nara Centre**

DRAFT AGENDA

Activity	Lead Agency
1. Welcome & Apologies	Chair (note: Nigel Featherstone will chair the meeting in David Whitney's absence)
2. Update on actions	All
3. Legislative Assembly Inquiry into Live community Events	CMD
4. Comment from the Australian Federal Police on noise complaints, liquor licensing and community music festivals	AFP – To be Confirmed
5. Meeting with music industry representatives	CMD
6. Emerging themes: (a) Approve list of themes <ul style="list-style-type: none"> • <i>Ways of promoting cultural/social economies in group centres including the consideration of Order of Occupancy provisions</i> • <i>Improved sound attenuation measures, including for existing community facilities</i> • <i>Availability of community venues for live events</i> • <i>Availability of rehearsal spaces and performance venues for developing and emerging bands</i> • <i>Information for licensed venues regarding the presentation of live music</i> • <i>Planning in Group Centres</i> • <i>Potential for changes to timing of noise restrictions in group and local centres</i> (b) Develop strategies for progression of themes	Discussion
7. Next Meeting	Chair

Agenda Item 1 – Welcome and Introductions

Purpose

To note members present, apologies and to confirm the agenda for the meeting of 2 March 2010.

Issues

Members invited:

Nigel Featherstone, Manager Arts Development, artsACT, Chief Minister's Department (Chair)
Mr Rish Leftreys, Department of Disability, Housing and Community Services
Mr Kelvin Walsh, ACT Planning and Land Authority
Ms Derise Cubin, Department of Justice and Community Safety
Mr Rob Thorman, Land Development Agency
Ms Penny Boyer, Canberra Institute of Technology
Mr Robert Neil, Department of the Environment, Climate Change and Water
Ms Naida Blackley, Department of Education and Training
Ms Catherine Gottlieb, ACT Health

Invited guest:

AFP (TBC)

IDC secretariat:

Anne Robinson, Arts Development Officer, artsACT, Chief Minister's Department
Annek.robinson@act.gov.au

Apologies

Mr David Whitney, artsACT, Chief Minister's Department (Chair)
Ms Kathy Strehar, Department of Territory and Municipal Services
Ms Trish Wilks, Department of Education and Training
Mr Stuart Friend, Department of Treasury

Recommendation

That the IDC:

1. Note the members present.
2. Accept the apologies.
3. Agree the draft Agenda.

Item	Discussion	Action	Status
1	<p>REDUCTION OF BARRIERS TO THE PRODUCTION OF LIVE MUSIC IN THE ACT INTERDEPARTMENTAL COMMITTEE Tuesday 24 November 2009 10.30-12 noon Level 5, Conference Room Canberra Nara Centre</p> <p>Welcome & Apologies</p> <p>The Chair opened the meeting at 10.30am.</p> <p>Members present: Mr David Whitney, Chief Minister's Department (artsACT) [Chair] Mr Rish Leftery, Department of Disability, Housing and Community Services (Community Youth Justice) Ms Kathy Strehar, Department of Territory and Municipal Services (Community Engagement and Communications) Mr Kelvin Walsh, ACT Planning and Land Authority (Planning Services) Ms Derise Cubin, Department of Justice and Community Safety (Office of Regulatory Services) Mr Rob Thorman, Land Development Agency (Planning & Design) Ms Penny Boyer, Canberra Institute of Technology Mr Daniel Walters, Department of the Environment, Climate Change and Water</p> <p>Secretariat: Nigel Featherstone, artsACT Anne Robinson, artsACT</p>		Agenda confirmed

	<p>Apologies: Mr Peter de Deckker, Canberra Institute of Technology Ms Naida Blackley, Department of Education and Training Mr Stuart Friend, Department of Treasury Ms Catherine Eagles, ACT Health (Population Health) Mr Tony Blattman, ACT Health</p>	
<p>2</p>	<p>Update on actions (not included elsewhere on the agenda)</p> <p>Members to provide details of the relevant information, legislation and regulation held by individual Departments in relation to the issues to be discussed by the IDC for the next meeting.</p> <ul style="list-style-type: none"> • Mr Walters provided copies of the community information sheets – ‘Noise in Residential Areas’, ‘Sound in the City’ and ‘Live Music and Entertainment Noise’ • Ms Strehar provided information on the possible use of Government Buildings for rehearsal/performance venues and information from DHCS about community facilities available for hire. She noted in particular that a pavilion was being built in Hall which was designed to have a high level of acoustic insulation. <p>The Secretariat undertook to consult with the AFP and relevant emergency service organisations through the Joint Operations and Planning Group.</p> <p>The Secretariat undertook to raise issues surrounding the Building Code of Australia with the Cultural Ministers Council Working Group on Contemporary Music Development.</p>	<p>To be carried forward to the next meeting.</p> <p>To be discussed at the Working Group meeting on 1 December 2009.</p>
		<p>artsACT to co-ordinate with Ms Cubin</p>

	<p>The Secretariat undertook to provide information to the IDC regarding the ACT Cultural Council's deliberations on Public Liability Insurance.</p> <p>The Secretariat will provide members with the best practice guide for the development of a legislative and regulatory environment supporting live music when it is endorsed by the Cultural Ministers Council in October 2009.</p> <p>The Secretariat will undertake targeted consultation with live music venues, promoters and community organisations in the first third of 2010.</p>	<p>Copy attached to these Minutes.</p> <p>Draft copy provided prior to meeting, final copy to be provided when available.</p> <p>To be carried forward to the next meeting.</p>	<p>artsACT</p> <p>artsACT</p>
3	<p>Regulatory elements and information resources by State and Territory</p> <p>At the last meeting the Secretariat agreed to provide members with 'regulatory elements and information resources by State and Territory' prepared by a consultant to the Cultural Ministers Council Working Group on Contemporary Music Development.</p> <p>Mr Walters noted that the ACT was the first and only jurisdiction to introduce separate noise zones. These had been introduced in 1997 and allowed for greater noise levels in the city centre and in town centres. He noted that this had not been included in the Cultural Ministers Council Working Group paper.</p> <p>Mr Walters also noted that Fortitude Valley in Queensland had been set up as an entertainment precinct but that the Government was finding it difficult to police and required regulations to be constantly upgraded.</p>	<p>Copy provided prior to meeting.</p> <p>artsACT to provide summary of Fortitude Valley experience to the next meeting</p>	<p>artsACT</p>

4	<p>Review of relevant legislation including the Liquor Act</p> <p>Ms Cubin provided an outline of the proposed changes to the ACT Liquor Act. She noted that the proposed changes were unlikely to have a significant impact on live music in licensed premises although the tiered licence scheme would mean that licence fees could be lower for venues which are open for shorter hours. In moving to a harm minimisation strategy the new Act would also include community impact statements for new venues but it was not known what impact this would have on the performance of live music. Ms Cubin also noted that while some jurisdictions like NSW included noise regulation as part of their liquor permit system this was not the case in the ACT where noise regulations are dealt with by the Environment Protection Agency. Ms Cubin noted that comments are still being accepted in relation to the proposed changes to the Liquor Act.</p>	<p>Copy of 'Liquor Act Review, summary of Proposed Major Government Reform' circulated prior to the meeting.</p> <p>An up-date on the proposed changes to be provided at the next meeting</p>	DJCS
5	<p>ACTPLA – Planning for night-time Economies (changed to 'social/cultural economies')</p> <p>Mr Walsh provided information on the ways in which the ACT planning regime could provide opportunities for supporting live music. In particular it may be possible to include provisions in the master plans for areas such as retail centres to allow for a certain mix of land uses. He also noted however, that once the Plans were put in place it was the responsibility of other agencies such as liquor licensing and the EPA to enforce the relevant regulations pertaining to those areas.</p> <p>Mr Walters noted that noise complaints in neighbourhood areas such as bands rehearsing were generally isolated instances and not an issue which could be addressed through zoning.</p>		

	<p>The meeting noted the importance of co-ordination between government departments to ensure best-practice planning, regulation and enforcement.</p>		
6	<p>Legislative Assembly Inquiry into Live community Events</p> <p>Ms Robinson provided an overview of the submissions made at the public hearings of the Inquiry into Live Community Events.</p> <p>Ms Robinson advised that the Inquiry was due to report to the Assembly on 10 December 2009 although it appeared likely that the Inquiry period would be extended.</p>	<p>Copies of the written submissions are available on the Legislative Assembly website.</p> <p>Provide a further report to the next meeting.</p>	artsACT
7	<p>Comparison of noise regulations between jurisdictions</p> <p>Mr Walters tabled a summary of the regulation of amplified music noise in Canberra, Brisbane, Melbourne and Sydney. He noted that the ACT had the advantage of specific noise limits whereas most States provided for noise limits of background noise plus 5%. He noted, however, that in the ACT noise limits drop at 10pm while some other jurisdictions did not impose stricter limits until later in the evening. Mr Walters also noted that while it is possible to control noise within a building it was not possible to control crowd noise outside venues.</p> <p>The meeting noted that the World Health Organisation had recently become interested in the health impacts of living and working in high noise environments.</p>	<p>Provide further information to the next meeting</p>	artsACT

8	<p>Emerging themes for resolution</p> <p>The meeting agreed that the emerging themes for further investigation were:</p> <ul style="list-style-type: none"> • Ways of promoting cultural/social economies in group centres including the consideration of Order of Occupancy provisions • Improved sound attenuation measures, including for existing community facilities • Availability of community venues for live events • Availability of rehearsal spaces and performance venues for developing and emerging bands • Information for licensed venues regarding the presentation of live music • Planning in Group Centres • Potential for changes to timing of noise restrictions in group and local centres 		
9	<p>Next Meeting</p> <p>10.00 – 11.30am Tuesday 2 March 2010</p> <p>Proposed future meeting dates:</p> <ul style="list-style-type: none"> • Tuesday 18 May 2010 • Tuesday 17 August 2010 • Tuesday 16 November 2010 	<p>The Secretariat will advise of the venue for the next meeting.</p>	artsACT



ADVICE TO ARTS ORGANISATIONS AND ARTISTS REGARDING PUBLIC LIABILITY INSURANCE AND PROFESSIONAL INDEMNITY INSURANCE

It is a requirement of all standard artsACT Deeds of Grant that an arts organisation or artist hold public liability insurance, and in some cases, professional indemnity insurance. The following information provides you with some useful information.

Public Liability Insurance

Public liability insurance protects you and your organisation against the financial risk of being found liable to a third party for death or injury, loss or damage of property or 'pure economic' loss resulting from your negligence.

If any aspect of your project is to be undertaken on ACT Government premises or public land, you will need to hold an appropriate level of public liability insurance. Under normal circumstances, the appropriate level of public liability insurance is \$10 million unless specified otherwise by the Territory.

For further information in determining the appropriate level of insurance that you require, please visit www.insuranceriskadvice.act.gov.au or contact:

Legal and Insurance Policy Branch
Department of Treasury
ACT Government
Phone: (02) 6207 0318

Professional Indemnity Insurance

Professional indemnity insurance protects you and your organisation from legal action taken for losses incurred as a result of your professional advice. It provides indemnity cover if your client suffers a loss – either material, financial or physical – directly attributed to negligent acts.

If you think that professional indemnity insurance may be required due to the nature of your activity, you should contact the ACT Insurance Authority (ACTIA) for advice. ACTIA is a statutory authority responsible to the ACT Treasurer.

ACTIA
ACT Government
Phone: 6207 0184

artsACT strongly advises all arts organisations and artists to seek advice regarding insurance in a timely manner, as it may take a few weeks to obtain.

Draft

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**REDUCTION OF BARRIERS TO THE PRODUCTION OF LIVE MUSIC IN THE
ACT**

Consultation meeting

MEETING

Monday 29 March 2010

6.00 – 7.30pm

Venue – TBA

DRAFT AGENDA

Activity	Lead Agency
1. Welcome & Apologies	Nigel Featherstone
2. Introduction - <ul style="list-style-type: none">• What is the Reduction of barriers to the production of live music in the ACT Interdepartmental committee?• What is the purpose of this evening?	Nigel Featherstone
3. Discussion – <ul style="list-style-type: none">• What barriers exist to a vibrant live music industry in the ACT?• What ideas do you have to address this?	All
4. What will happen next?	Nigel Featherstone

Forum invitees:

- Landspeed records (Trackside music Festival)
- Lexington Music (Foreshore and Warehouse music festivals)
- Resonate (Corinbank Festival)
- Canberra Musicians Club
- Transit Bar (venue)
- George Harcourt (venue)
- The Front (venue)
- Canberra Institute of Technology (Music Business course)
- Youth Centre (Woden ?)
- ArtSound Radio Station
- 2XX Radio Station
- BMA Magazine
- Bands (TBC)
- Tim Duck - Music Industry News email network
- University of Canberra Stonefest
- Mathew Heath (Music journalist)
- Music for Everyone (young bands program)

Interdepartmental committee members invited:

Mr David Whitney, Manager artsACT, Chief Minister's Department
Mr Rish Leftreys, Department of Disability, Housing and Community Services
Ms Kathy Strehar, Department of Territory and Municipal Services
Mr Kelvin Walsh, ACT Planning and Land Authority
Ms Derise Cubin, Department of Justice and Community Safety
Mr Rob Thorman, Land Development Agency
Ms Penny Boyer, Canberra Institute of Technology
Mr Robert Neil, Department of the Environment, Climate Change and Water
Ms Trish Wilks, Department of Education and Training
Ms Catherine Gottlieb, ACT Health
Mr Stuart Friend, Department of Treasury

IDC secretariat:

Nigel Featherstone, Manager Arts Development, artsACT, Chief Minister's Department
Anne Robinson, Arts Development Officer, artsACT, Chief Minister's Department
Annek.robinson@act.gov.au

Robinson, AnneK

From: Robinson, AnneK
Sent: Friday, 26 February 2010 10:01 AM
To: Bishop, Thomas
Subject: RE: Live music IDC - next meeting

Hi Thomas

Thanks for letting me know. I wondered if for this or future meetings it would be appropriate for someone from City Places and Open Spaces to jointly represent TAMS with you at the meetings. While the discussion looks at barriers to live music across Canberra there is certainly considerable discussion around specific issues in the City and the town centres.

Thanks
 Anne

From: Bishop, Thomas
Sent: Thursday, 25 February 2010 1:44 PM
To: Robinson, AnneK
Subject: RE: Live music IDC - next meeting

Hi Anne, at this stage no one from TAMS will be able to attend the meeting scheduled for Tuesday, as Kathy has not returned, and I am not available. It would still be good to send the meeting notes to Kathy when you have them. It might also be an idea to invite the events team at CMD, as they do many more events than us in the city and other areas.

Regards

Thomas

From: Robinson, AnneK
Sent: Tuesday, 16 February 2010 4:11 PM
To: Featherstone, Nigel; Whitney, David; Boyer, Penny; Cubin, Derise; Gottlieb, Catherine; Friend, Stuart; Lefterys, Rish; Thorman, Rob; Walsh, Kelvin; Wilks, Trish; Bishop, Thomas; Neil, Robert
Subject: RE: Live music IDC - next meeting

Dear IDC members

Please find attached the Agenda for next meeting of the IDC into the Reduction of Barriers to the Production of Live Music in the ACT. I have also attached the minutes of the previous meeting.

Please let me know if you have any questions, otherwise I look forward to seeing you on the 2nd of March.

Thanks
 Anne

<< File: 3rd meeting IDC Agenda.doc >> << File: meeting notes IDC 24 Nov 2009.doc >>

From: Robinson, AnneK
Sent: Thursday, 11 February 2010 2:46 PM
To: Featherstone, Nigel; Whitney, David; Boyer, Penny; Cubin, Derise; Gottlieb, Catherine; Friend, Stuart; Lefterys, Rish; Walters, Daniel; Strehar, Kathy; Thorman, Rob; Walsh, Kelvin; Wilks, Trish; ODonoghue, Yersheena
Subject: Live music IDC - next meeting

Dear IDC members

The next meeting of the IDC into Reduction of Barriers to the Production of Live Music in the ACT will be:
10.00 – 11.30am Tuesday 2 March 2010
5th floor Conference Room, Canberra NARA Centre

Agenda papers and minutes of the previous meeting will be forwarded to you shortly.
Looking forward to seeing you on the 2nd.

Anne

Anne Robinson
Arts Development Officer for Community Arts and Music
artsACT

Phone: 6207 2378

email: annek.robinson@act.gov.au

address: Level 4, Nara Centre, 1 Constitution Ave, Canberra City ACT 2602

Robinson, AnneK

From: Newton, Joy
Sent: Thursday, 25 February 2010 8:59 AM
To: Robinson, AnneK
Cc: Blackley, Naida (ACTEDU)
Subject: IDC Live Music meeting 2 March

Follow Up Flag: Follow up
Flag Status: Flagged

Anne,

Trish now has to be in Sydney on 1st and 2nd March and is unable to attend the meeting of the IDC Reduction of Barriers to the Production of Live Music in the ACT, please pass on her apologies. We would like to advise that Ms Naida Blackley, Principal of the Instrumental Music Program, will attend for Trish. When sending out the papers can you please send to Naida at: Blackley, Naida (ACTEDU) as well. Many thanks. Joy

Joy Newton

Executive Assistant to Trish Wilks
Director
Learning and Teaching
ACT Department of Education & Training
P: 620 59205
E: joy.newton@act.gov.au

FLY BYS

SEE The Windows On Europe Film Festival, screening at Dandy Canberra Centre from Saturday until February 14.

HEAR Experimental electro rockers Yeasayer's second exotica album, *Odd Blood*.

DOWNLOAD Triple J's new Unearthed iPhone application.

GO Explore the world at the National Multicultural Festival.

Reposco into... placed them to the big zabumba drum. That sits over the shoulder and is hit with two sticks to make a chopped-up sound that can be heard on the song *Horchata*.

The band has played a lot with lead singer Ezra Koenig's vocals too, treating his playing with voice encoders to distort or purify sounds.

Batmanglij, who is also part of an indie-electro duo, produced the first album and took charge again for *Contra* as the band felt he was the natural choice and would do "the best job".

Drummer Christopher Tomson says they are a diplomatic quartet: disagreements yes, "but ultimately...

university context, but did teach him how to listen and his expertise is clearly vital to the evolution of Vampire Weekend's sound.

"I feel that for me to do my job as a producer, each song should have different characteristics... a unique sound for each element."

Vampire Weekend is just one of many chart-topping Brooklyn-based bands, but Batmanglij denies any rivalry with the likes of MGMT, Yeasayer or Dirty Projectors. On the contrary he says with a cheeky smile. "I love them all."

The Columbia boys were due on stage before Oasis's Gallagher brothers split before the Paris Rock en Seine festival in August last year.

to be remembered, years from now? "Pop music cannibalises itself," Batmanglij says, shrugging off the question nonchalantly.

If Vampire Weekend can capture the mood as it has with its first two albums, that will do for now.

Groovin' The Moo

With: Vampire Weekend, Silverchair, Empire Of The Sun, Spoon, Grinspoon, Tegan and Sara, British India, Lisa Mitchell, Kisschasy, Kid Koala, Bag Raiders, Miami Horror and more
When: May 9

Where: The Meadows, University of Canberra
Tickets: On sale February 16 for \$95.90+bf from www.gtm.net.au and Moshnix outlets

New Fyshwick music venue wears its heart on its sleeve

By Peter Krbavac

As iconic venues across the country drop like flies, it's heartening to see rock 'n' roll strike back in Canberra, no less. The Warehouse is, naturally, a warehouse in Lithgow Street, Fyshwick which has recently been converted into a rehearsal studio and venue, with a capacity for around 450 people. While local bands have been slugging it out for the past month in the jam rooms, the venue element will officially kick into gear this Saturday with the Industrial Warehouse Party, perhaps the first legitimate warehouse rave Canberra's seen since the early '90s. Then, the following morning, the Capital City team will quietly usher any remaining loose-jawed psy trance aficionados out the door to make way for Sunday's maiden gig, affectionately dubbed The Hardcore Superbowl.

Patrick Galvin - local promoting stalwart who operates under the Capital



HARDCORE: Dead Kings, I Exist and friends perform at The Warehouse on Sunday.

City handle - has booked the initial run of shows and, joined by Capital City mail boy Aaron "T-Bone" Osborne, explains why The Warehouse is a sorely needed addition to Canberra's music scene.

"Recently I was talking to [Melbourne booking agency] Destroy All Lines and they were just getting fed up with having to try so many places. They were going to scrap Canberra and do Albany! Albany can have all the shows they want, but if

they're getting one instead of Canberra that means Canberra needs to sort itself out."

Crucially, Galvin points out, The Warehouse will be "run by guys who've been going to shows for years and actually know about shows".

"The venue situation has always been a bit dire because venues are generally run by people who don't know that much about what they're doing," he says. "They see [gigs] as a money-making thing, which it rarely is. There's no one setting up venues purely because they want to have shows."

Galvin says that it's been tough for young local bands to book a show off their own backs without the aid of a booking company, while more esoteric fare which is likely to appeal to niche audiences is being sidelined because of a lack of suitable venues.

"It's good to have an alternative venue which is a little bit easier to book than other places," Galvin says. "We're

looking at it as a good space where anyone can book stuff, where it doesn't have to be too stressful or have all this bullshit about booking agencies."

And the crux: The Warehouse will remain a dedicated all-ages venue which will have security at all shows - although not the heavy-handed types found at some places - and will operate mindful of bus timetables to ensure it's accessible to Canberra's youth.

"We've already got some relatively big national and international touring bands that are coming through in March and April," Galvin enthuses. "We've got a lot booked already, big shows and small shows, we've got all sorts of things coming up."

Hardcore Superbowl!

With: Dead Kings, I Exist, Vera, Reigner, Atlantis Awaits, Observer

When: Sunday, 1 pm

Where: The Warehouse, Fyshwick

Tickets: \$10 at the door

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Robinson, AnneK

From: Robinson, AnneK
Sent: Wednesday, 17 February 2010 9:19 AM
To: 'Battye, Mark'
Subject: RE: Live music IDC - next meeting [SEC=UNCLASSIFIED]
Attachments: 3rd meeting IDC Agenda.doc; meeting notes IDC 24 Nov 2009.doc

Thanks Mark

Good luck with your career move. I have attached a copy of the minutes of the previous meeting and the agenda for the March meeting. I have taken the liberty of including the AFP on the agenda but would be happy to discuss the availability of an AFP representative and/or the content of the agenda item with your replacement.

Thanks
Anne

Anne Robinson
Arts Development Officer for Community Arts and Music
artsACT

Phone: 6207 2378
email: annek.robinson@act.gov.au
address: Level 4, Nara Centre, 1 Constitution Ave, Canberra City ACT 2602

From: Battye, Mark [<mailto:Mark.Battye@afp.gov.au>]
Sent: Wednesday, 17 February 2010 8:28 AM
To: Robinson, AnneK
Subject: RE: Live music IDC - next meeting [SEC=UNCLASSIFIED]

Good morning Anne,

Thanks for your email. We would have an interest in attending meetings for this committee, however I will need to get back to you concerning who from ACT Policing will attend, given that I will be moving to another (unrelated) area of ACT Policing at the end of February.

I'll be in touch.

Thanks,
Mark.



MARK BATTYE
A/SERGEANT, CRIME PREVENTION
ACT POLICING
Tel +61(0) 2 62457270 Ext 162270 Fax +61(0) 2 62457467
www.afp.gov.au

From: Robinson, AnneK [<mailto:AnneK.Robinson@act.gov.au>]
Sent: Tuesday, 16 February 2010 2:50 PM
To: Battye, Mark
Subject: FW: Live music IDC - next meeting

Hi Mark

I am part of the secretariat to the ACT Government's Inter Departmental Committee into Reduction of Barriers to the Production of Live Music in the ACT. It was raised at our last meeting that it would be beneficial to have a member of the AFP as a guest member of the IDC as many of the matters discussed have a policing aspect. I understand that Derise Cubin spoke to you about the possibility of attending the next meeting.

The next meeting will be held:

10.00 – 11.30am Tuesday 2 March 2010

5th floor Conference Room, Canberra NARA Centre

We would be grateful if you or someone else from your office was able to attend the meeting.

I was hoping that you would be able to speak briefly about the AFPs experience in regards to live music in the ACT particular in relation to noise complaints, licensed venues and community music festivals. I would be happy to provide you with relevant background papers and the Minutes of the previous meetings.

I tried to call your office on a number of occasions but have had no response. As I am currently finalising the agenda I would be grateful if you could let me know if you would be available to attend the meeting.

Please give me a call if you would like any further information or clarification

Thanks

Anne Robinson

Arts Development Officer for Community Arts and Music

tsACT

Phone: 6207 2378

email: annek.robinson@act.gov.au

address: Level 4, Nara Centre, 1 Constitution Ave, Canberra City ACT 2602

From: Cubin, Derise
Sent: Friday, 12 February 2010 12:20 PM
To: Robinson, AnneK
Subject: RE: Live music IDC - next meeting

Dear Anne

Thanks for your email, in the last meeting it was suggested that it may be beneficial for ACT Policing to attend. I have spoken with A/g Sgt Mark Battye of ACT Policing Crime Prevention unit, who would be willing to attend. He has just asked though if he can be formally invited (rather than me doing it) to attend

I have provided his contact details & I am happy if you mention my name (if this helps to jog his memory)

MARK BATTYE
A/SERGEANT, CRIME PREVENTION
ACT POLICING

Tel +61(0) 2 62457270 Ext 162270 Fax +61(0) 2 62457467

www.afp.gov.au

Mark.Battye@afp.gov.au

Thanks very much

Cheers

Derise

Derise Cubin

A/g Senior Manager

Compliance

Office of Regulatory Services

GPO Box 158 Canberra ACT 2601

Phone 6205 3732



From: Robinson, AnneK

Sent: Thursday, 11 February 2010 2:46 PM

To: Featherstone, Nigel; Whitney, David; Boyer, Penny; Cubin, Derise; Gottlieb, Catherine; Friend, Stuart; Lefterys, Rish; Walters, Daniel; Strehar, Kathy; Thorman, Rob; Walsh, Kelvin; Wilks, Trish; ODonoghue, Yersheena

Subject: Live music IDC - next meeting

Dear IDC members

The next meeting of the IDC into Reduction of Barriers to the Production of Live Music in the ACT will be:

Robinson, AnneK

From: Robinson, AnneK
Sent: Tuesday, 16 February 2010 4:11 PM
To: Featherstone, Nigel; Whitney, David; Boyer, Penny; Cubin, Derise; Gottlieb, Catherine; Friend, Stuart; Lefterys, Rish; Thorman, Rob; Walsh, Kelvin; Wilks, Trish; Bishop, Thomas; Neil, Robert
Subject: RE: Live music IDC - next meeting

Dear IDC members

Please find attached the Agenda for next meeting of the IDC into the Reduction of Barriers to the Production of Live Music in the ACT. I have also attached the minutes of the previous meeting.

Please let me know if you have any questions, otherwise I look forward to seeing you on the 2nd of March.

Thanks

Anne



2nd meeting IDC meeting notes
Agenda.doc IDC 24 Nov 2009...

From: Robinson, AnneK
Sent: Thursday, 11 February 2010 2:46 PM
To: Featherstone, Nigel; Whitney, David; Boyer, Penny; Cubin, Derise; Gottlieb, Catherine; Friend, Stuart; Lefterys, Rish; Walters, Daniel; Strehar, Kathy; Thorman, Rob; Walsh, Kelvin; Wilks, Trish; ODonoghue, Yersheena
Subject: Live music IDC - next meeting

Dear IDC members

The next meeting of the IDC into Reduction of Barriers to the Production of Live Music in the ACT will be:
10.00 – 11.30am Tuesday 2 March 2010
5th floor Conference Room, Canberra NARA Centre

Agenda papers and minutes of the previous meeting will be forwarded to you shortly.
Looking forward to seeing you on the 2nd.

Anne

Anne Robinson
Arts Development Officer for Community Arts and Music
artsACT

Phone: 6207 2378
email: annek.robinson@act.gov.au
address: Level 4, Nara Centre, 1 Constitution Ave, Canberra City ACT 2602

**REDUCTION OF BARRIERS TO THE PRODUCTION OF LIVE MUSIC IN THE ACT
INTERDEPARTMENTAL COMMITTEE**

MEETING

**Tuesday 2 March 2010
10.00 – 11.30am
Level 5, Conference Room
Canberra Nara Centre**

DRAFT AGENDA

Activity	Lead Agency
1. Welcome & Apologies	Chair (note: Nigel Featherstone will chair the meeting in David Whitney's absence)
2. Update on actions	All
3. Legislative Assembly Inquiry into Live community Events	CMD
4. Comment from the Australian Federal Police on noise complaints, liquor licensing and community music festivals	AFP – To be Confirmed
5. Meeting with music industry representatives	CMD
6. Emerging themes: (a) Approve list of themes <ul style="list-style-type: none"> • <i>Ways of promoting cultural/social economies in group centres including the consideration of Order of Occupancy provisions</i> • <i>Improved sound attenuation measures, including for existing community facilities</i> • <i>Availability of community venues for live events</i> • <i>Availability of rehearsal spaces and performance venues for developing and emerging bands</i> • <i>Information for licensed venues regarding the presentation of live music</i> • <i>Planning in Group Centres</i> • <i>Potential for changes to timing of noise restrictions in group and local centres</i> (b) Develop strategies for progression of themes	Discussion
7. Next Meeting	Chair

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Agenda Item 1 – Welcome and Introductions

Purpose

To note members present, apologies and to confirm the agenda for the meeting of 2 March 2010.

Issues

Members invited:

Nigel Featherstone, Manager Arts Development, artsACT, Chief Minister's Department (Chair)
Mr Rish Leftreys, Department of Disability, Housing and Community Services
TBA, Department of Territory and Municipal Services
Mr Kelvin Walsh, ACT Planning and Land Authority
Ms Derise Cubin, Department of Justice and Community Safety
Mr Rob Thorman, Land Development Agency
Ms Penny Boyer, Canberra Institute of Technology
Mr Robert Neil, Department of the Environment, Climate Change and Water
Ms Trish Wilks, Department of Education and Training
Ms Catherine Gottlieb, ACT Health
Mr Stuart Friend, Department of Treasury

Invited guest:

Australian Federal Police representative – to be confirmed

IDC secretariat:

Anne Robinson, Arts Development Officer, artsACT, Chief Minister's Department
Annek.robinson@act.gov.au

Apologies

Mr David Whitney, artsACT, Chief Minister's Department (Chair)
Ms Kathy Strehar, Department of Territory and Municipal Services

Recommendation

That the IDC:

1. Note the members present.
2. Accept the apologies.
3. Agree the draft Agenda.

Item	Discussion	Action	Status
1	<p>REDUCTION OF BARRIERS TO THE PRODUCTION OF LIVE MUSIC IN THE ACT INTERDEPARTMENTAL COMMITTEE Tuesday 18 August 2009 10-11.30am Level 5, Conference Room Canberra Nara Centre</p> <p>Welcome & Apologies</p> <p>The Chair opened the meeting at 10.00am.</p> <p>Members present: Mr David Whitney, Chief Minister's Department (artsACT) [Chair] Mr Rish Leftery, Department of Disability, Housing and Community Services (Community Youth Justice) Ms Kathy Srehar, Department of Territory and Municipal Services (Community Engagement and Communications) Mr Kelvin Walsh, ACT Planning and Land Authority (Planning Services) Ms Derise Cubin, Department of Justice and Community Safety (Office of Regulatory Services) Mr Rob Thorman, Land Development Agency (Planning & Design) Ms Penny Boyer, Canberra Institute of Technology Mr Bob Neil, Department of the Environment, Climate Change and Water (Environment Protection and Water) Ms Trish Wilks, Department of Education and Training (Curriculum Support and Professional Learning)</p>	<p>Mr Thorman noted that he is also a member of the Canberra Musicians Club.</p>	

<p>Ms Catherine Eagles, ACT Health (Population Health)</p> <p>Secretariat: Nigel Featherstone, artsACT Anne Robinson, artsACT</p> <p>Apologies: Mr Peter de Deckker, Canberra Institute of Technology Mr Stuart Friend, Department of Treasury</p>		
<p>2</p> <p>Terms of Reference</p> <p>The meeting agreed to the draft Terms of Reference The Live Music IDC will:</p> <ul style="list-style-type: none"> • consider the barriers which exist to the production of live music in the ACT in particular in relation to legislation and regulation • examine ways in which the barriers to the production of live music in the ACT could be reduced; and • develop a cabinet submission which addresses these issues 	<p>Ongoing discussion through the IDC</p>	<p>Agenda confirmed</p>
<p>3</p> <p>Key Questions</p> <p>The meeting noted the issues paper provided and considered the following questions:</p> <ol style="list-style-type: none"> 1. Are there issues listed in the issues paper which the Live Music IDC is not able to consider? 2. What actions are already being undertaken to address these issues? 3. Given the scope of the issues to be considered is the 	<p>Cabinet Submission to be developed during the term of the IDC</p>	<p>Key questions confirmed</p>

<p>composition of the IDC appropriate?</p> <p>4. What reforms can be devised and implemented that would, in practical and achievable terms, address the areas raised in the issues paper?</p> <p>5. Are there areas not listed in the issues paper which should be considered by the Live Music IDC?</p> <p>Discussion of questions:</p> <p>1. The meeting agreed that the issues listed in the issues paper were appropriate for consideration by the IDC.</p> <p>The meeting noted that the scope of the IDC should include significant music events and festivals, night clubs and other dedicated music venues and smaller community venues which are used for music events.</p> <p>The meeting noted that as urban density increased there would be increasing tension between residential needs and live music venues.</p> <p>The meeting noted that very few noise complaints had been received in relation to live music venues. The majority of noise complaints around music venues related to rowdy behaviour by patrons rather than the noise emanating from the venue.</p> <p>2. The meeting discussed some of the actions currently taking place with the ACT.</p>	<p>2. The meeting agreed that members would provide details of the relevant information, legislation and regulation held by individual Departments in</p>	<p>Scope of live music venues agreed</p> <p>All Departments</p>
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<p>3. The meeting noted that the Australian Federal Police should be consulted in relation to their involvement with live music performances.</p> <p>4. There was general discussion about possible actions to encourage live music performance.</p> <p>The meeting discussed the possibility of identifying areas which might be appropriate for 'night-time economy' activities such as the Lonsdale/Mort Street area of Braddon. 'Planning for chaos'</p> <p>The meeting noted that there were many different legislative and regulatory codes which impacted of live music venues. It was also noted that some of these were part of the Building Code of Australia and that these would require national consideration.</p> <p>The meeting noted that the cost of Public Liability Insurance was a significant barrier to the production of live music.</p> <p>The meeting noted the difficulties in comparing noise regulations with other States because of the different measuring standards.</p>	<p>relation to the issues to be discussed by the IDC for the next meeting.</p> <p>Derise Cubin to advise whether the proposed changes to the ACT Liquor Act have implications for live music performance in the ACT</p> <p>3. The Secretariat undertook to consult with the AFP and relevant emergency service organisations through the Joint Operations and Planning Group.</p> <p>4. The meeting agreed that members would provide details of any projects currently being undertaken in relation to these issues for the next meeting.</p> <p>Kelvin Walsh to make preliminary investigations on the opportunities and challenges for the designation of areas which encourage 'night-time economies</p> <p>The Secretariat undertook to raise issues surrounding the Building Code of Australia with the Cultural Ministers Council Working Group on Contemporary Music Development.</p> <p>The Secretariat undertook to provide information to the IDC regarding the ACT Cultural Council's deliberations on this issue.</p> <p>Bob Neil to look at noise regulations in other jurisdictions and report back to the meeting.</p>	<p>JACS</p> <p>artsACT to Co-ordinate with JACS</p> <p>All Departments</p> <p>ACTPLA</p> <p>artsACT</p> <p>artsACT</p> <p>DECCW</p>
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	<p>The meeting noted difficulties with the implementation of the 'Outdoor Concert Noise' policy.</p> <p>The meeting discussed the possibility of ACT Government buildings being available for use as music venues, in particular disused school buildings.</p> <p>5. The meeting noted other discussions currently being undertaken on this issue by the Standing Committee on Planning, Public Works and Territory and Municipal Services and the Cultural Ministers Council.</p> <p>The meeting noted that there were diverse opinions within the community in relation to this issue.</p>	<p>Bob Neil to provide further information on the policy and possible changes to its implementation.</p> <p>Kathy Strehar to consult with TAMS Property Group about its policies for the use of Government building, in particular disused school buildings.</p> <p>5. The Secretariat will provide information to the Standing Committee on Planning, Public Works and Territory and Municipal Services</p> <p>The Secretariat will seek access to community comments provided to the Standing Committee on Planning, Public Works and Territory and Municipal Services.</p> <p>The Secretariat will provide members with the best practice guide for the development of a legislative and regulatory environment supporting live music when it is endorsed by the Cultural Ministers Council in October 2009.</p> <p>The Secretariat will provide members with 'regulatory elements and information resources by state and Territory prepared by a consultant to the Cultural Ministers Council Working Group on Contemporary Music Development.</p> <p>The Secretariat will undertake targeted consultation with live music venues, promoters and community</p>	<p>DECCW</p> <p>TAMS</p> <p>Completed</p> <p>artsACT</p> <p>artsACT</p> <p>artsACT</p> <p>artsACT</p>
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		organisations in the first third of 2010.	
4	<p>Next Steps and Next Meeting The next meeting will be held at 10.30am on Tuesday 24 November 2009.</p>	<p>The Secretariat will advise of the time and venue for the next meeting.</p>	artsACT
	<p>Close The meeting closed at 11.30am</p>		

Robinson, AnneK

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From: Featherstone, Nigel
Sent: Friday, 6 November 2009 12:47 PM
To: Whitney, David; Boyer, Penny; Cubin, Derise; De Deckker, Peter; Eagles, Catherine; Friend, Stuart; Lefterys, Rish; Walters, Daniel; Strehar, Kathy; Thorman, Rob; Walsh, Kelvin; Wilks, Trish
Cc: Robinson, AnneK
Subject: Agenda for the Live Music IDC meeting 10:30am-noon, Tuesday 24 November
Attachments: 2nd meeting IDC Agenda.doc; State laws.pdf

Dear IDC member,

Please find attached the agenda and associated documentation for the second meeting of the Interdepartmental Committee on the Reduction of Barriers to the Production of Live Music in the ACT.

As previously notified, the next meeting of the IDC will be held at 10.30am-12.00noon on 24 November in the 5th floor conference room, Nara House, Civic.

Please contact artsACT's Live Music IDC Secretariat, Anne Robinson, on x72378 if you have an queries.

Regards,

- Nigel

Nigel Featherstone
Manager, Arts Development

artsACT
Chief Minister's Department
ACT Government
02. 6207 2381
0402 783 730



2nd meeting IDC State laws.pdf (274
Agenda.doc (63... KB)

**REDUCTION OF BARRIERS TO THE PRODUCTION OF LIVE MUSIC IN
THE ACT INTERDEPARTMENTAL COMMITTEE**

MEETING

Tuesday 24 November 2009

10.30-12 noon

Level 5, Conference Room

Canberra Nara Centre

DRAFT AGENDA

Activity	Lead Agency
1. Welcome & Apologies	Chair, CMD
2. Summary of previous meeting/update on actions	All
3. Regulatory elements and information resources by State and Territory	CMD
4. Review of relevant legislation including the Liquor Act	Relevant agencies
5. ACTPLA – Planning for night-time Economies	ACTPLA
6. Legislative Assembly Inquiry into Live community Events	CMD
7. Comparison of noise regulations between jurisdictions	DECCEW
8. Emerging themes for resolution	Discussion
9. Next Meeting	Chair

Agenda Item 1 – Welcome and Introductions

Purpose

To note members present, apologies and to confirm the agenda for the meeting of 24 November 2009.

Issues

Members invited:

- Mr David Whitney, artsACT, Chief Minister’s Department (Chair)
- Ms Rish Leftreys, Department of Disability, Housing and Community Services
- Ms Kathy Strehar, Department of Territory and Municipal Services
- Mr Kelvin Walsh, ACT Planning and Land Authority
- Ms Derise Cubin, Department of Justice and Community Safety
- Mr Rob Thorman, Land Development Agency
- Mr Peter de Deckker, Canberra Institute of Technology
- Mr Daniel Walters, Department of the Environment, Climate Change and Water
- Ms Trish Wilks, Department of Education and Training
- Ms Catherine Eagles, ACT Health
- Mr Stuart Friend, Department of Treasury

IDC secretariat:

Nigel Featherstone, Manager Arts Development, artsACT, Chief Minister’s Department
Nigel.featherstone@act.gov.au

Anne Robinson, Arts Development Officer, artsACT, Chief Minister’s Department
Annek.robinson@act.gov.au

Apologies

Recommendation

That the IDC:

1. Note the members present.
2. Accept the apologies.
3. Agree the draft Agenda.

Agenda Item 3 – Regulatory elements and information resources by State and Territory

The attached information was prepared for the Cultural Minister's Council Working Group on Contemporary Music Development by Cultural Planning Consultant John Waddle and provides a comparison of Regulatory elements and information resources by State and Territory.

PLEASE NOTE THAT THIS INFORMATION IS FOR THE USE OF THE IDC MEMBERS AND NOT FOR PUBLIC DISTRIBUTION.

Use of Government Buildings

ACT Property Group requires long-term leases. No casual hire.

(advice from DHCS)

- Have 80 community facilities and rooms available for hire (see attached list)
- Venues subleased and managed by other organisations
- Suggested Cook hub which has an Arts theme and a mix of community organisations. Can use the old school hall after hours.
- Building a pavilion at Hall with acoustic insulation (better insulation than existing school halls) June 2010
- New purpose-built halls will be built at Griffith and Bonython. new halls at Griffith & Bonython (06/2010)
-

Regional community hubs

- Four Regional Community Hubs and five neighbourhood halls will be operational by June 2010.
- Surplus schools – will become regional hubs by June 2010
- Approximately 40 community organisations have been allocated space in the four Regional Community Hubs at Cook, Holt, Weston and Chifley.
- Neighbourhood halls will be provided within the former school buildings at Cook, Weston (using the former school halls) and Holt (using one wing of the former school). A community meeting room will be provided in Chifley.
- Practice during business hours may be too noisy for tenants
- Neighbourhood halls are intended for casual hire by the community

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Also -

Ainslie Arts Centre (former Ainslie primary)

Gormon House Arts Centre

Community facilities available for hire

Suburb	Facility	Rooms available	Contact details
Belconnen	Belconnen Community Centre	3 meeting rooms Sports hall Art room Art gallery Theatre	www.bcsact.com.au 6264 0232
Calwell	Calwell Neighbourhood Centre	Large activity room Small meeting room	www.calcare.org.au 6291 4300 0412 455 757
Causeway	Causeway Hall	Hall	
Chisholm	Chisholm Community Centre	Large community hall Small meeting room - up to 20 people	www.tugglink.org.au tugglink@tugglink.org.au 6292 1604
Conder	Conder Community House	Small meeting room	www.tugglink.org.au tugglink@tugglink.org.au 6292 1604
Ainslie	Corroboree Park Community Hall	Hall - up to 100 people Function room - up to 60 people	www.northside.asn.au 6257 2255 6249 6443
Downer	Downer Community Hall	West room - seats 25 West hall - seats 55 East room - seats 20 East hall - seats 50	
Wanniassa	Erindale Neighbourhood Centre	Large room, enclosed playground	tucadmin@tuc.org.au 6231 0488
Gilmore	Gilmore Community House	2 rooms Outside covered pergola, children's playground	www.tugglink.org.au tugglink@tugglink.org.au 6292 1604
Higgins	Ginninderra Community Hall	Hall approx 9m x 9m	0410 322 808 0423 148 162

Gungahlin	Gungahlin Community Resource Centre	Function room – large hall, up to 100 people Meeting room – up to 20 people	www.grcs.org.au grcs@gungahlin.org 6228 9200
Gungahlin	Gungahlin Children's Centre	Hall	6262 4138
Hughes	Hughes Community Centre	Hall – approx 120 people Meeting room – approx 35 people Meeting room – approx 20 people	6282 3777
Scullin	Humpy Hall	Hall	6255 1127
Isabella Plains	Isabella Plains Neighbourhood House	Meeting room 8m x 11m, sprung wooden floor Playroom 8m x 10m, vinyl floor	www.tuglink.org.au tuglink@tuglink.org.au 6292 1064
Kaleen	Kaleen Community Hall	Hall	6241 2150
Conder	Lanyon Community Centre	Community room Meeting room	www.ywca-canberra.org.au ycc.manager@ywca-canberra.org.au 6294 4633
Dickson	Majura Community Centre	Hall – up to 150 people Functions room – up to 30 people	www.northside.asn.au 6257 2255
City	McGregor Hall	Hall	0412 447 179
Meilba	Neillie Hall	Hall	hire.nelliehall@hotmail.com 6259 2786
Ngunnawal	Ngunnawal Neighbourhood Centre	Function room – large hall, up to 100 people Meeting room – up to 20 people	www.grcs.org.au grcs@gungahlin.org 6228 9200
Nicholls	Nicholls Community House	2 rooms	6242 5004
Oaks Estate	Oaks Estate Community Hall	Large hall, meeting room	www.sscs.org.au admin@sscs.org.au 6126 4700
Palmerston	Palmerston Community Centre	Room 1 – large hall, 13.5m x 9m, sprung wooden floor, fenced outdoor play area Room 2 – 7m x 5.3m	www.gcc.asn.au 6228 9200

Pearce	Pearce Community Centre	Hall	6290 1853 www.tugglink.org.au tugglink@tugglink.org.au 6292 1604
Richardson	Richardson Community House	Small meeting room	
Narrabundah	Southside Community Centre	Large hall 2 rooms – each 52 m2, seating for 20-30 people	www.sscs.org.au admin@sscs.org.au 6126 4700
Torrens	Torrens Community Hall	Hall	0404 051 873
Tuggeranong	Tuggeranong Community Centre	Hall - 190 m2 seating for 200 at tables Workshop -150 m2 seating for 100 at tables Room 1 - 68 m2 seating for 45 at tables Room 2 - 39 m2 seating for 15 at tables Room 3 - 40 m2 seating for 15 at tables	www.commsatwork.org admin@commsatwork.org 6293 6500
Tuggeranong	Tuggeranong Youth Centre	2 rooms Activity room with pool table and ping pong table	www.commsatwork.org 6293 2146
Weston	Weston Creek Community Centre	2 rooms	westonccc@inet.net.au 6288 1144
Phillip	Woden Community Centre	Community room	www.wcs.org.au 6282 2644

Provided by Fia Norton, DHCS
November 2009

Regulation of Amplified Music Noise in Canberra, Brisbane, Melbourne and Sydney

Table 1

Title	ACT ¹	Brisbane ²	Sydney ³	Melbourne ⁴	Comments
Location Town Centres Civic Centre, Belconnen, Gungahlin, Woden and Tuggeranong Group Centres Calwell, Charnwood, Chisholm, Conder, Curtin, Dickson, Erindale, Hawker, Jamieson, Kaleen, Kambah, Kingston, Kippax, Manuka, Mawson, Wanniassa, Weston Local Centres: Lyneham, O'Connor etc not listed under the above headings	Special Entertainment Area Precinct Core Area A and B See attached maps in Fortitude Valley, Newstead and Teneriffe Waterfront, and Bowen Hills				
Time Periods All: 7am – 10pm Mon – Sat 10pm to 7am Mon – Sat (Sunday and Public Holidays substitute 7am for 8am)	Core A: 10am to midnight on Sun-Thurs (10am Fri – 1am Sat & 10am Sat – 1am Sun) Core B: 10am to midnight Fri - Sat (10am Fri – 11.30pm Sun-Thurs)	07:00am and 12:00 midnight	9am to 11pm Mon-Thurs; 9am to 12midnight Friday; 10am to 12 midnight Saturday; 11am to 10pm Sunday	Core A is in Fortitude Valley only which is about 1km from Brisbane's CBD. The majority of households consist of couples without children (nearly 70%) and over 95% of dwellings are units.	
Daytime noise levels	City & Town Centres: 60dB(A) 7am to 10pm	LA10 noise level emitted from the		Noise from music is restricted to the	There is no direct relationship between the

<p>Night time noise levels</p>	<p>Group Centres: 55dB(A) 7am to 10pm</p> <p>Local Centres: 50dB(A) 7am to 10pm</p> <p>Noise level must first exceed the noise standard at an affected place. Noise is then measured at the compliance point, been any point as near as practicable to the boundary of the parcel of land.</p>	<p>metre external to the venue;</p> <p>Core B: LC_{eqT} 88dB at any point 1 metre external to the venue</p>	<p>licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5 Hz-8k Hz inclusive) by more than 5 dB at the boundary of any affected residence;</p>	<p>background level plus 5 dB (L_{A90} + 5 dB(A))</p>	<p>A weighted criterion of the ACT and the C weighted criterion for Brisbane.</p> <p>By using a C weighting criterion, more of the lower frequencies will be picked up.</p> <p>Where noise in the ACT has a low frequency component, the Draft ACT Noise Measurement Manual provides a correction factor of 5dB(A).</p> <p>Refer to Table 2 for a comparisons between A and C weighted measurements using a constant level across all frequencies.</p>
<p>City & Town Centres: 50dB(A)</p> <p>Group Centres: 45dB(A)</p> <p>Local Centres: 35dB(A)</p> <p>Noise level must first</p>	<p>Core A: LC_{eqT} 80dB at any point 1 metre external to the venue</p> <p>Core B: LC_{eqT} 65dB at any point 1 metre external to the venue</p>	<p>The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in an Octave Band Centre Frequency (31.5 Hz-8k Hz inclusive) at the boundary of any affected residence.</p>	<p>Noise from music at particular frequencies (octave bands) is restricted to the background level plus eight dB (L_{oct90} + 8 dB). This type of measurement is more sensitive to the more intrusive musical</p>	<p>Refer to Table 2 for a comparisons between A and C weighted measurements using a constant level across all frequencies.</p>	

	<p>exceed the noise standard at an affected place. Noise is then measured at the compliance point, been any point as near as practicable to the boundary of the parcel of land.</p>	<p>Reduce noise standard by 5dB(A) for all areas and time periods.</p>	<p>LC_{eqT} 45dB in any one third octave band between and including 31.5Hz and 125Hz in a living area of a residence located in the same building as the venue</p>	<p>Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00am.</p>	<p>frequencies.</p>
<p>Adjoining walls or the same parcel of land</p>	<p>10 minutes</p>	<p>3 minutes</p>	<p>Amplified music venues require a permit issued by council which includes the preparation of a noise management plan</p>	<p>NSW Government abolished the Place of Public Entertainment Licenses that were required for local venues to play live music in October 2009</p>	<p>Refer to Table 2 for a comparisons between A and C weighted measurements using a constant level across all frequencies.</p>
<p>Measurement duration</p>	<p>10 minutes</p>	<p>3 minutes</p>	<p>Amplified music venues require a permit issued by council which includes the preparation of a noise management plan</p>	<p>NSW Government abolished the Place of Public Entertainment Licenses that were required for local venues to play live music in October 2009</p>	<p>Refer to Table 2 for a comparisons between A and C weighted measurements using a constant level across all frequencies.</p>
<p>Controls:</p>	<p>For new developments, the EPA provides the following comment to ACTPLA.</p>	<p>Clubs, drink establishments, hotels, indoor entertainment facilities and restaurants must submit a noise management plan, prepared by an accredited acoustic specialist who is a member of the Australian Acoustical Society.</p>	<p>Amplified music venues require a permit issued by council which includes the preparation of a noise management plan</p>	<p>NSW Government abolished the Place of Public Entertainment Licenses that were required for local venues to play live music in October 2009</p>	<p>Refer to Table 2 for a comparisons between A and C weighted measurements using a constant level across all frequencies.</p>
<p>Environment Management Plans</p>	<p>The noise management</p>	<p>Clubs, drink establishments, hotels, indoor entertainment facilities and restaurants must submit a noise management plan, prepared by an accredited acoustic specialist who is a member of the Australian Acoustical Society.</p>	<p>Amplified music venues require a permit issued by council which includes the preparation of a noise management plan</p>	<p>NSW Government abolished the Place of Public Entertainment Licenses that were required for local venues to play live music in October 2009</p>	<p>Refer to Table 2 for a comparisons between A and C weighted measurements using a constant level across all frequencies.</p>
<p>Permits</p>	<p>The noise management</p>	<p>Clubs, drink establishments, hotels, indoor entertainment facilities and restaurants must submit a noise management plan, prepared by an accredited acoustic specialist who is a member of the Australian Acoustical Society.</p>	<p>Amplified music venues require a permit issued by council which includes the preparation of a noise management plan</p>	<p>NSW Government abolished the Place of Public Entertainment Licenses that were required for local venues to play live music in October 2009</p>	<p>Refer to Table 2 for a comparisons between A and C weighted measurements using a constant level across all frequencies.</p>
<p>Licences</p>	<p>The noise management</p>	<p>Clubs, drink establishments, hotels, indoor entertainment facilities and restaurants must submit a noise management plan, prepared by an accredited acoustic specialist who is a member of the Australian Acoustical Society.</p>	<p>Amplified music venues require a permit issued by council which includes the preparation of a noise management plan</p>	<p>NSW Government abolished the Place of Public Entertainment Licenses that were required for local venues to play live music in October 2009</p>	<p>Refer to Table 2 for a comparisons between A and C weighted measurements using a constant level across all frequencies.</p>

	<p>plan should detail the design, siting and construction methods which will be used to minimise the impact of noise on neighbours.</p> <p>For outdoor concert events which have the capacity for more than 2,000 people the EPA grants an environment authorisation.</p>				
Penalties	<p>Warning letter</p> <p>Infringement Notice: \$200 (5 times for corporations)</p> <p>Environment Protection Order</p>	<p>Oral compliance direction that the noise must be turned down immediately</p> <p>Compliance notice when recurrent issue</p> <p>Revoke or suspend permit</p>			

¹Environment Protection Regulation 2005

²Schedule 1 of the Brisbane City Council Amplified Music Venues Local Law 2006

³NSW Office of Liquor, Gaming and Racing, Sound Advice, October 2009

⁴The Environment Protection Act 1970 State Environment Protection Policy (Control of music noise from public premises), August 1989

Table 2 – A and C weighting comparison

Frequency (Hz)	unweighted (dB)	A-weighting (dB)	C-weighting (dB)	Comments
16	100	43.3	91.5	
31.5	100	60.6	97	Base
63	100	73.8	99.2	Base
125	100	83.9	99.8	Base
250	100	91.4	100	
500	100	96.8	100	

1000	100	100	100
2000	100	101.2	99.8
4000	100	101	99.2
8000	100	101.1	97
16000	100	93.4	91.5

Brisbane

Noise attenuation to reduce the intrusion of amplified music from both existing and future venues will be required in all new residential development, and noise attenuation requirements must be satisfied when designing new entertainment venues. In these areas, residents will expect ambient noise levels to be relatively higher. More info on requirements on page 15 of Draft Fortitude Valley Neighbourhood Plan August 2009
 Entertainment uses (including clubs and live music venues) are to be focussed within the Special Entertainment Precinct Core Area. As such, residential accommodation of a short term rather than permanent nature is more suited to this precinct.

Melbourne

The Environment Protection Authority of Victoria conducted a Noise Survey in 2007 and found that 82.8% of respondents do not hear music or entertainment venue noise at all, and of those that do hear the noise, a further 11.6% say it does not bother them at all.

Sydney

The Department of Environment and Conservation (NSW) conducted a Neighbourhood Noise survey in 2004 and found that during the weekdays, the majority of people considered noise to be unacceptable after 10pm. During the weekends the majority of people considered noise to be unacceptable after 11.30pm. In addition, 93% of those surveyed said that it would be appropriate to ban loud amplified music after midnight.

Canberra

Table 3 – ACT Amplified Music Noise Complaints from Entertainment Venues 2005-2009

Suburb	Number of complainants	Number establishments	Comments
City	2	2 National Convention Centre Muddle Bar	Convention Centre - One off event utilising the Hall area and not the Theatre.
Braddon	6	1 Knights Bridge Lounge Bar	Residential Apartments in a Town Centre not built to attenuate higher noise levels.
Lyneham	14 (including 7 from Thoroughbred Park)	3 Old Canberra Inn The Front Thoroughbred Park	Old Canberra Inn – Apartments recently built adjacent to the Inn. The Front - Existing building

				retro-fitted for a music venue. Insufficient noise attenuation
O'Connor	1		1 All Bar Nun	Existing building retro-fitted for a music venue. Insufficient noise attenuation
Wanniassa	8		1 The Venue & Maram (same)	Existing building retro-fitted for a music venue. Insufficient noise attenuation.
Dickson	5		2 Trinity Bar Belluci's Restaurant	Trinity Bar - Live music held outside of venue. Belluci's - Apartments recently built within the Group Centre. Existing building retro-fitted for a music venue. Insufficient noise attenuation
Belconnen	1		1 Ginninderra Tavern	Live music outside of venue. Residential properties in close proximity.
Tuggeranong - Greenway	0		0	
Woden - Phillip	3		1 The Green Room	Existing building retro-fitted for a music venue. Insufficient noise attenuation

Robinson, AnneK

From: Cubin, Derise
Sent: Tuesday, 17 November 2009 10:45 AM
To: Robinson, AnneK; Featherstone, Nigel; Whitney, David; Boyer, Penny; Boyer, Penny; Eagles, Catherine; Friend, Stuart; Lefterys, Rish; Walters, Daniel; Strehar, Kathy; Thorman, Rob; Walsh, Kelvin; Wilks, Trish
Subject: RE: Additional information for the Live music IDC

Follow Up Flag: Follow up
Flag Status: Red

Attachments: Summary_of_Proposed_reforms.pdf

Dear all

From the last meeting Live Music IDC meeting I agreed to provide information on the status of the review of the *Liquor Act* in the ACT.

The Department of Justice and Community Safety prepared a Final Report in relation to the Review which was presented to the Attorney General in September 2009. The Final Report made 50 key recommendations for reform of the liquor legislation.

The ACT Government has agreed to the drafting of an exposure draft bill incorporating the key recommendations for reform in the Final Report, which is expected to be tabled by the Attorney General in the Legislative Assembly for further public consultation by early 2010.

The Final Report recommends:

- Strengthening the liquor licensing regime to better reflect harm minimisation principles;
- Stronger enforcement of ACT liquor laws; and
- Streamlining the liquor licensing regime to promote more efficient regulatory action.

A copy of the Final Report is available at www.jcs.act.gov.au however; I have attached the summarised overview of the report.



Summary_of_Proposed_reforms.pdf...

It should be noted that 'addressing live music objectives' is not mentioned in the Review. I have briefly discussed the issue with the JaCs legal policy group responsible for drafting the bill, but timeliness is obviously a factor for them. However, we can all discuss further next week.

Regards

Derise

Derise Cubin
 A/g Senior Manager
 Compliance
 Office of Regulatory Services
 GPO Box 158 Canberra ACT 2601
 Ph 6205 3732



Derise Cubin
Manager
Fair Trading and Trade Measurement Inspectorate
Office of Regulatory Services
GPO Box 158 Canberra ACT 2601
Ph 6205 3732



From: Robinson, AnneK
Sent: Thursday, 12 November 2009 12:30 PM
To: Featherstone, Nigel; Whitney, David; Boyer, Penny; Cubin, Derise; Boyer, Penny; Eagles, Catherine; Friend, Stuart; Lefterys, Rish; Walters, Daniel; Strehar, Kathy; Thorman, Rob; Walsh, Kelvin; Wilks, Trish
Subject: Additional information for the Live music IDC

Dear IDC member,

Further to Nigel Featherstone's email last week I have attached the final draft of the Cultural Minister's Council report 'Supporting Australia's Live Music Industry: suggested Principles for Best Practice'. The report has been approved by the Cultural Minister's Council but not officially released so I would appreciate it if you would keep the report confidential at this stage. It is anticipated that the report will be reformatted and formally released shortly and I will forward you the official copy as soon as it is available.

Thanks

Anne Robinson
Arts Development Officer for Community Arts and Music
artsACT

Phone: 6207 2378
email: annek.robinson@act.gov.au
address: Level 4, Nara Centre, 1 Constitution Ave, Canberra City ACT 2602
<< File: FINAL DRAFT Best Practice Guide.doc >>

From: Featherstone, Nigel
Sent: Friday, 6 November 2009 12:47 PM
To: Whitney, David; Boyer, Penny; Cubin, Derise; De Deckker, Peter; Eagles, Catherine; Friend, Stuart; Lefterys, Rish; Walters, Daniel; Strehar, Kathy; Thorman, Rob; Walsh, Kelvin; Wilks, Trish
Cc: Robinson, AnneK
Subject: Agenda for the Live Music IDC meeting 10:30am-noon, Tuesday 24 November

Dear IDC member,

Please find attached the agenda and associated documentation for the second meeting of the Interdepartmental Committee on the Reduction of Barriers to the Production of Live Music in the ACT.

As previously notified, the next meeting of the IDC will be held at 10.30am-12.00noon on 24 November in the 5th floor conference room, Nara House, Civic.

Please contact artsACT's Live Music IDC Secretariat, Anne Robinson, on x72378 if you have any queries.

Regards,

- Nigel

Nigel Featherstone
Manager, Arts Development

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Chief Minister's Department
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LIQUOR ACT REVIEW
SUMMARY OF PROPOSED
MAJOR GOVERNMENT REFORMS

Simon Corbell MLA
Attorney General

SUMMARY OF PROPOSED MAJOR GOVERNMENT REFORMS TO THE *LIQUOR ACT 1975*

Strengthening of Liquor Licensing Regime to Better Reflect Harm Minimisation and Community Safety Principles

New harm minimisation and community safety principles

It is proposed that ACT liquor legislation embrace a new harm minimisation philosophy and community safety principles to reflect the community's expectations, needs and aspirations in relation to the regulation of liquor licensing laws.

As part of this new philosophy, there would be an obligation on the liquor industry to minimise harm associated with the sale of liquor, to encourage responsible promotional practices and to ensure that the supply and consumption of alcohol does not detract from the amenity of community life. Similarly, when making decisions about applications for liquor licences, permits and renewals, the Commissioner for Fair Trading (the Commissioner) would consider the new harm minimisation and community safety principles before issuing a licence or permit or renewing a licence. The new harm minimisation philosophy would permeate the whole of the liquor licensing regulatory system through the application of various risk assessment criteria and community safety considerations.

New risk-based licensing regime

It is proposed that a new licensing regime be introduced imposing additional risk-based annual licensing fees on high and elevated risk venues trading past midnight. The new regime would maintain the existing five classes of licence.

As part of the new licensing regime, the standard trading hours would change from 7am to 4am, to 7am to midnight (set by regulation). An extended trading authorisation process would apply from midnight to 2am and 4am, subject to harm minimisation and community safety principles.

New community safety criteria

It is proposed that the Commissioner must consider community safety criteria before issuing or renewing a licence or permit. Examples of the criteria which the Commissioner would be required to take into account would include:

- liquor is to be sold, or sold and consumed, on licensed premises in a responsible manner;
- public order and safety must not be jeopardised, particularly where circumstances or events are expected to attract large numbers of people to licensed premises or an area adjacent to those premises;

- the safety, health and welfare of people who use licensed premises must not be put at risk;
- noise emanations from licensed premises must not be excessive;
- business conducted at licensed premises must not cause undue offence, annoyance, disturbance or inconvenience to people who reside or work in the neighbourhood of the premises or who are making their way to or from, or using the services of a place of public worship, hospital or school;
- a licensee must comply with provisions of the any law in force in the ACT which regulates in any manner the sale or consumption of liquor, or the location, construction or facilities of licensed premises including provisions under the Planning & Land Management Act;
- whether a licensee has contravened, or is contravening, a provision of the Liquor Act;
- a licensee must not allow the premises to be used in a way that causes undue disturbance or inconvenience to people lawfully on the premises;
- a licensee's conduct must comply with the licensing standards manual;
- a licensee's premises must comply with the licensing standards manual;
- a licensee must not create a fire hazard to life or property or allow the hazard to develop;
- any other matter the Commissioner believes is relevant to community safety in the sale, provision, promotion and consumption of liquor; and
- any information or matter contained in an application or provided by the applicant, which is relevant to community safety in the sale, provision, promotion and consumption of liquor.

Community consultation notices

As part of the new community safety principles, applicants for a new liquor licence would be required to consult with the community. They would place a public notice on or close to the proposed new premises, and publish a notice in the Canberra Times giving the community a voice to lodge objections to the granting of a new liquor licence in their neighbourhood. Liquor licence applications which are refused by the Commissioner would be subject to independent review by the ACT Civil and Administrative Tribunal (ACAT).

New power for Commissioner to impose and vary conditions on a licence or permit

To protect the interests of the community, it is proposed that the Commissioner have power to impose certain conditions on a licence or permit in particular circumstances. Examples of various conditions which the Commissioner might impose include:

- hours of trading;
- equipment and facilities to be provided on or at licensed premises;
- minimum facilities and services to be available;
- other allowable/prohibited activities besides the service of alcohol (e.g., entertainment);
- number of crowd controllers to be engaged;
- display and content of notices relating to Liquor Act;

- preserving the amenity of surrounding premises; (through noise restrictions, occupancy loading restrictions or closing particular areas on the premises during certain hours or events);
- staff serving alcohol to be over the age of 18 years;
- the presence of minors on the premises;
- containers in which alcohol may be served on the premises (including permits); or
- any other matter relating to a licence or permit.

Conditions imposed on a licence or permit by the Commissioner would be subject to independent review by the ACAT.

New risk-assessed management plan (RAMP) with licence application

It is proposed that higher risk applicants for a licence to trade from midnight to 2am or 4am would be required to complete a RAMP with their application (and at renewal). Compliance with the RAMP would become a condition on the licence.

The content of the RAMP would be prescribed by regulation and would require applicants for licences to address the following criteria:

- Responsible service of alcohol at the premises.
- Arrangements for the following at the premises:
 - lighting
 - noise mitigation
 - security
 - transport available for use by patrons of the premises - where public transport is not available, a licensee to provide courtesy transport for patrons leaving the premises late at night (early hours of morning).
- Provision of food at the premises.
- Responsible service of alcohol training of staff at the premises.
- Dealing with minors on the premises.
- Dealing with unduly intoxicated and disorderly patrons on the premises.
- How any impact the business conducted at the premises has on the amenity of the surrounding area will be mitigated.
- Consultation with the community about the business at the premises.
- Ensuring the conduct of business at the premises complies with the Act and other laws.

Similarly, applicants for a liquor permit would be required to address the following criteria:

- Responsible service of liquor at the event.
- Arrangements for lighting, noise mitigation and security; and transport available for the use of patrons leaving the event.
- Provision of food.
- Responsible service of alcohol training of staff.
- Dealing with minors at the event.
- Dealing with unduly intoxicated and disorderly people.

New investigation/inquiries and referral power

It is proposed that the Commissioner be given a new power to investigate, refer or inquire further into any matter relating to an application in order to ensure that all relevant information is accurate and available for liquor licensing decisions.

Prohibit stand-up drinking in outdoor areas

It is proposed that stand-up drinking in outdoor areas adjacent to public streets and footpaths be prohibited to facilitate and promote harm minimisation principles. This would not, however, prevent stand-up drinking in outdoor areas contained within a licensed premises.

Temporary alcohol free zone

It is proposed that the Commissioner would be given a power to prescribe public places to be declared temporary alcohol-free zones by notifiable instrument in the public interest.

Upper limit on the size of a beer glass

It is proposed that an upper limit on the size of a beer glass used in licensed premises be set by regulation at 560ml a glass.

Stronger Enforcement of ACT Liquor Laws to better ensure compliance

Emergency suspension of licence power by ACT Policing

It is proposed that ACT Policing be given a new power to suspend a licence for up to 24 hours to deal promptly with emergency situations on licensed premises in the public interest.

Commissioner to issue binding written directions

It is proposed that the Commissioner would be given a new power to issue binding written directions to a licensee concerning any matter relating to the conduct of a licensed premises.

Existing criminal penalties

It is proposed that the existing criminal penalties be made consistent with New South Wales, where appropriate, to add greater deterrence to the criminal provisions of the legislation, which would provide the option of imposing a more serious penalty where the circumstances warrant criminal prosecution.

Mandatory responsible service of alcohol (RSA) training

It is proposed that all licensees and employees involved in the service of alcohol, including crowd controllers, undertake RSA training before they commence working in licensed premises. It is also proposed that they undertake a refresher course every three years.

Licensees would be required to keep and maintain a register containing copies of the recognised RSA certificates for each staff member whose duties include the sale, supply or service of liquor and for people employed or engaged by the licensee to carry on activities as a crowd controller on or about the premises. The purpose of the register is to assist Office of Regulatory Services (ORS) inspectors and ACT police enforce the mandatory RSA requirement.

New criminal offences

As part of the new harm minimisation philosophy, it is proposed that new criminal offences be introduced for:

- the supply of alcohol to an intoxicated person by employees on licensed premises;
- the secondary supply of alcohol by patrons to intoxicated people on licensed premises;
- offering alcohol promotions, drinking games and other marketing practices, which encourage excessive, rapid consumption of alcohol (this would not affect 'happy hours' or other short duration discounting, with some restrictions). Guidelines on liquor promotion will be included in the Liquor Licensing Standards Manual.
- failure by a licensee to maintain an incident register; and
- failure by a licensee to maintain a log of responsible service of alcohol employee certificates.

It is also proposed to introduce a new public order offence to protect employees who may refuse service under RSA principles on licensed premises from harassing, abusing, threatening, or intimidating behaviour by an intoxicated patron. Licensees will be required to display a prominent notice in the bar-room to remind patrons of the new offence and encourage them to accept the new RSA laws.

It is also proposed that ACT policing and ORS inspectors would be able to issue infringement notices for:

- serving of alcohol to minors;
- overcrowding of premises;
- failure to maintain an incident register,
- failure to maintain a log of responsible service of alcohol certificates for each employee involved in the service of alcohol.

New discretionary power for Commissioner

To protect the integrity of the licensing regime, it is proposed that the Commissioner be given a discretionary power to request a police check at licence renewals, where appropriate.

Repeal arrest powers of ORS inspectors

It is proposed that only trained police officers have power to apprehend and arrest people under the age of 18 years on licensed premises unlawfully.

Prohibition on minors serving alcohol

It is proposed that minors be prohibited from serving alcohol in licensed premises whose principal purpose is serving alcohol rather than food. This prohibition, however, would not extend to minors being employed in restaurants, which serve food as a primary purpose along with alcohol as a secondary purpose.

Abolish minimum trading hours requirement

It is proposed that bar rooms no longer be required to be open for a prescribed six hour period each trading day.

Stronger police and ORS inspectorate role in enforcement of liquor laws

If we are to make a difference and change the drinking culture, new liquor licensing laws must be enforced more rigorously in the marketplace by ACT Policing and ORS inspectors. It is proposed that ACT Policing and the ORS inspectorate would enter into a shared enforcement model where police would be the law enforcement body and ORS the regulatory body and that the respective powers and responsibilities of enforcement be cast with that framework.

Disciplinary action

Where the ACAT is taking disciplinary action against a licensee, it is proposed that any transfer or relinquishment of the licensee's licence must await the outcome of disciplinary action by the ACAT.

Permit holders

It is proposed that the ACAT have power to disqualify a former permit holder from holding a permit for a stated period of time or in relation to a specific event, in circumstances where the permit holder's conduct constitutes grounds for occupational discipline. This is a logical extension of the disciplinary measures available against licensees.

Definition of a bar-room

It is proposed that the Commissioner would determine hours during which an otherwise unclassified room should be considered a bar-room. In addition, it is proposed that a minor should be able to walk through a bar-room for the purpose of reaching an area of the premises where minors may legally be present without an accompanying adult. For example, a minor using an ablutions area or receiving a meal without being accompanied by a parent or guardian.

Streamlining of Licensing Regime to promote more efficient regulatory action

Liquor Licensing Standards Manual

It is proposed that the Liquor Act be amended to remove any doubt about the need for licensees to comply with the *Liquor Licensing Standards Manual 1999*.

Notice provision

It is proposed that licensees would be required to notify the ORS in advance of any temporary changes to management and control of premises to allow ORS to ensure that an unfit person is not placed in a management role.

New power for ACT Civil and Administrative Tribunal (AC AT)

Currently, the power of the ACAT is limited to issuing directions to a licensee or registered person. It is proposed that, where a corporation holds the liquor licence, the power to issue directions be extended to include a "defined influential person" who is able to control or substantially influence the business activities or internal affairs of a person working in a licensed establishment.

Definition of term "intoxication"

To facilitate compliance with the new mandatory responsible service of alcohol laws, it is proposed that the definition of "intoxication" be amended to be consistent with the definition in New South Wales. The new definition would use the term 'noticeably affected by alcohol'. Proof of this element of an offence would rely on observations by police officers or other people present at the time as to the person's speech, balance, coordination or behaviour.

Management by disqualified licensees

To preserve the effect of a licensee being disqualified by the ACAT from continuing to manage or supervise a licensed premises, it is proposed that the ACAT has power to order that disqualified licensees are prevented from taking any future management or supervisor roles, including using an agent, within a licensed premises.

New application process

In order to streamline the application process, it is proposed that applicants for a liquor licence would in future be required to obtain pre-approvals prior to lodging an application for a liquor licence with the ORS.

Applicants would be required to provide with their application:

- a risk-assessed management plan (RAMP), compliance with which becomes a condition on the licence;

- floor plans;
- police checks for all management staff; and
- a crown lease certificate of compliance with conditions.

Return of false identification to ORS

It is proposed that the statutory period of 72 hours for a licensee to return confiscated false identification to ORS be extended to seven days, which will provide for a more realistic timeframe for the industry.

Occupancy loading determination

It is proposed that the Liquor Act be amended to prohibit a liquor licence from being granted before an occupancy loading has been determined by the Commissioner.

Data Collection

It is proposed that the Government join the National Wholesale Alcohol Sales Data Project funded by the Commonwealth Department of Health and Ageing, which would require licensees to provide wholesale alcohol data sales to government. Obtaining wholesale data would allow the Government to implement evidence-based policy and operational programs to regulate alcohol sales and consumption.

Internet/mail order sales of liquor

It is proposed that the off-licence class be extended to include a new licence sub-category for internet/mail order sales of liquor.

Robinson, AnneK

From: Wilks, Trish
Sent: Thursday, 12 November 2009 3:14 PM
To: Robinson, AnneK
Subject: RE: Additional information for the Live music IDC

Dear Anne
 I am unable to attend this meeting but Naida Buckley the principal of the Instrumental Music Program will attend in my place.
 Regards
 Trish Wilks

From: Robinson, AnneK
Sent: Thursday, 12 November 2009 12:30 PM
To: Featherstone, Nigel; Whitney, David; Boyer, Penny; Cubin, Derise; Boyer, Penny; Eagles, Catherine; Friend, Stuart; Lefterys, Rish; Walters, Daniel; Strehar, Kathy; Thorman, Rob; Walsh, Kelvin; Wilks, Trish
Subject: Additional information for the Live music IDC

Dear IDC member,

Further to Nigel Featherstone's email last week I have attached the final draft of the Cultural Minister's Council report 'Supporting Australia's Live Music Industry: suggested Principles for Best Practice'. The report has been approved by the Cultural Minister's Council but not officially released so I would appreciate it if you would keep the report confidential at this stage. It is anticipated that the report will be reformatted and formally released shortly and I will forward you the official copy as soon as it is available.

Thanks

Anne Robinson
 Arts Development Officer for Community Arts and Music
 artsACT

Phone: 6207 2378
 email: annek.robinson@act.gov.au
 address: Level 4, Nara Centre, 1 Constitution Ave, Canberra City ACT 2602
 << File: FINAL DRAFT Best Practice Guide.doc >>

From: Featherstone, Nigel
Sent: Friday, 6 November 2009 12:47 PM
To: Whitney, David; Boyer, Penny; Cubin, Derise; De Deckker, Peter; Eagles, Catherine; Friend, Stuart; Lefterys, Rish; Walters, Daniel; Strehar, Kathy; Thorman, Rob; Walsh, Kelvin; Wilks, Trish
Cc: Robinson, AnneK
Subject: Agenda for the Live Music IDC meeting 10:30am-noon, Tuesday 24 November

Dear IDC member,

Please find attached the agenda and associated documentation for the second meeting of the Interdepartmental Committee on the Reduction of Barriers to the Production of Live Music in the ACT.

As previously notified, the next meeting of the IDC will be held at 10.30am-12.00noon on 24 November in the 5th floor conference room, Nara House, Civic.

Please contact artsACT's Live Music IDC Secretariat, Anne Robinson, on x72378 if you have any queries.

Regards,

- Nigel

Nigel Featherstone
 Manager, Arts Development

artsACT

Robinson, AnneK

From: Featherstone, Nigel
Sent: Wednesday, 18 November 2009 5:58 PM
To: Robinson, AnneK
Subject: FW: Agenda for the Live Music IDC meeting 10:30am-noon, Tuesday 24 November

FYI

(Note that Tony is Anni's husband!)

Nigel Featherstone
 Manager, Arts Development

artsACT
 Chief Minister's Department
 ACT Government
 02. 6207 2381
 0402 783 730

From: Eagles, Catherine
Sent: Wednesday, 18 November 2009 5:55 PM
To: Featherstone, Nigel
Subject: RE: Agenda for the Live Music IDC meeting 10:30am-noon, Tuesday 24 November

Hi Nigel

I wish to advise that I will not be able to attend this meeting as I will be on annual leave. Tony Blattman, Senior Policy Officer, Population Health Executive Office, ACT Health will be attending in my place. Sorry, I did let your colleague know when the previous email went out but maybe the message didn't get passed on?

Kind Regards,
 Catherine

From: Featherstone, Nigel
Sent: Friday, 6 November 2009 12:47 PM
To: Whitney, David; Boyer, Penny; Cubin, Derise; De Deckker, Peter; Eagles, Catherine; Friend, Stuart; Lefterys, Rish; Walters, Daniel; Strehar, Kathy; Thorman, Rob; Walsh, Kelvin; Wilks, Trish
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Please contact artsACT's Live Music IDC Secretariat, Anne Robinson, on x72378 if you have an queries.

Regards,

- Nigel

Nigel Featherstone
 Manager, Arts Development

Robinson, AnneK

From: Robinson, AnneK
Sent: Thursday, 29 October 2009 11:14 AM
To: Walters, Daniel
Subject: IDC on Live Music

Attachments: meeting notes IDC 18 Aug 2009.doc

Hi Daniel

I have just spoken with Bob Neil and understand that you will now be representing DECCA on the Reduction of Barriers to the Production of Live Music in the ACT Interdepartmental Committee.

I have attached the minutes of the 1st meeting in case you have not been forwarded a copy.

The next meeting of the IDC will be held at 10.30am-12.00noon on 24 November in the 5th floor conference room Nara House. An Agenda and meeting papers will be forwarded to you shortly.

I would be happy to discuss any questions you may have about the IDC or the attached Minutes.

Thanks

Anne Robinson
Arts Development Officer for Community Arts and Music
artsACT

Phone: 6207 2378

email: annek.robinson@act.gov.au

address: Level 4, Nara Centre, 1 Constitution Ave, Canberra City ACT 2602



meeting notes IDC
18 Aug 2009....

Robinson, AnneK

From: Robinson, AnneK
Sent: Wednesday, 21 October 2009 3:00 PM
To: Whitney, David; Boyer, Penny; Cubin, Derise; De Deckker, Peter; Eagles, Catherine; Friend, Stuart; Lefterys, Rish; Neil, Robert; Strehar, Kathy; Thorman, Rob; Walsh, Kelvin; Wilks, Trish
Cc: Featherstone, Nigel
Subject: Meeting notes of the 1st Live Music IDC meeting
Attachments: meeting notes IDC 18 Aug 2009.doc

Dear IDC member

Please find attached the draft meeting notes from the first meeting of the interdepartmental Committee on the Reduction of Barriers to the Production of Live Music in the ACT.

The next meeting of the IDC will be held at 10.30am-12.00noon on 24 November in the 5th floor conference room Nara House. An Agenda and meeting papers will be forwarded to you shortly.

Please contact me if you have any queries about the IDC or the attached meeting notes.

Thanks

Anne Robinson
Live Music IDC Secretariat
Arts Development Officer for Community Arts and Music
artsACT

Phone: 6207 2378

email: annek.robinson@act.gov.au

address: Level 4, Nara Centre, 1 Constitution Ave, Canberra City ACT 2602



meeting notes IDC
18 Aug 2009....

DRAFT	Discussion	Action	Status
1	<p>REDUCTION OF BARRIERS TO THE PRODUCTION OF LIVE MUSIC IN THE ACT INTERDEPARTMENTAL COMMITTEE Tuesday 18 August 2009 10-11.30am Level 5, Conference Room Canberra Nara Centre</p> <p>Welcome & Apologies</p> <p>The Chair opened the meeting at 10.00am.</p> <p>Members present: Mr David Whitney, Chief Minister's Department (artsACT) [Chair] Ms Rish Lefterys, Department of Disability, Housing and Community Services (Community Youth Justice) Ms Kathy Strehar, Department of Territory and Municipal Services (Community Engagement and Communications) Mr Kelvin Walsh, ACT Planning and Land Authority (Planning Services) Ms Derise Cubin, Department of Justice and Community Safety (Office of Regulatory Services) Mr Rob Thorman, Land Development Agency (Planning & Design) Ms Penny Boyer, Canberra Institute of Technology Mr Bob Neil, Department of the Environment, Climate Change and Water (Environment Protection and Water) Ms Trish Wilks, Department of Education and Training (Curriculum Support and Professional Learning)</p>	<p>Mr Thorman noted that he is also a member of the Canberra Musicians Club.</p>	

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	<p>Ms Catherine Eagles, ACT Health (Population Health)</p> <p>Secretariat: Nigel Featherstone, artsACT Anne Robinson, artsACT</p> <p>Apologies: Mr Peter de Deckker, Canberra Institute of Technology Mr Stuart Friend, Department of Treasury</p>		
2	<p>Terms of Reference</p> <p>The meeting agreed to the draft Terms of Reference The Live Music IDC will:</p> <ul style="list-style-type: none"> • consider the barriers which exist to the production of live music in the ACT in particular in relation to legislation and regulation • examine ways in which the barriers to the production of live music in the ACT could be reduced; and • develop a cabinet submission which addresses these issues 	<p>Ongoing discussion through the IDC</p> <p>Cabinet Submission to be developed during the term of the IDC</p>	<p>Agenda confirmed</p>
3	<p>Key Questions</p> <p>The meeting noted the issues paper provided and considered the following questions:</p> <ol style="list-style-type: none"> 1. Are there issues listed in the issues paper which the Live Music IDC is not able to consider? 2. What actions are already being undertaken to address these issues? 3. Given the scope of the issues to be considered is the 		<p>Key questions confirmed</p>

<p>composition of the IDC appropriate?</p> <p>4. What reforms can be devised and implemented that would, in practical and achievable terms, address the areas raised in the issues paper?</p> <p>5. Are there areas not listed in the issues paper which should be considered by the Live Music IDC?</p> <p>Discussion of questions:</p> <p>1. The meeting agreed that the issues listed in the issues paper were appropriate for consideration by the IDC.</p> <p>The meeting noted that the scope of the IDC should include significant music events and festivals, night clubs and other dedicated music venues and smaller community venues which are used for music events.</p> <p>The meeting noted that as urban density increased there would be increasing tension between residential needs and live music venues.</p> <p>The meeting noted that very few noise complaints had been received in relation to live music venues. The majority of noise complaints around music venues related to rowdy behaviour by patrons rather than the noise emanating from the venue.</p> <p>2. The meeting discussed some of the actions currently taking place with the ACT.</p>	<p>Scope of live music venues agreed</p> <p>2. The meeting agreed that members would provide details of the relevant information, legislation and regulation held by individual Departments in</p>
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All Departments

	<p>3. The meeting noted that the Australian Federal Police should be consulted in relation to their involvement with live music performances.</p> <p>4. There was general discussion about possible actions to encourage live music performance.</p> <p>The meeting discussed the possibility of identifying areas which might be appropriate for 'night-time economy' activities such as the Lonsdale/Mort Street area of Braddon. 'Planning for chaos'</p> <p>The meeting noted that there were many different legislative and regulatory codes which impacted of live music venues. It was also noted that some of these were part of the Building Code of Australia and that these would require national consideration.</p> <p>The meeting noted that the cost of Public Liability Insurance was a significant barrier to the production of live music.</p> <p>The meeting noted the difficulties in comparing noise regulations with other States because of the different measuring standards.</p>	<p>relation to the issues to be discussed by the IDC for the next meeting.</p> <p>Derise Cubin to advise whether the proposed changes to the ACT Liquor Act have implications for live music performance in the ACT</p> <p>3. The Secretariat undertook to consult with the AFP and relevant emergency service organisations through the Joint Operations and Planning Group.</p> <p>4. The meeting agreed that members would provide details of any projects currently being undertaken in relation to these issues for the next meeting.</p> <p>Kelvin Walsh to make preliminary investigations on the opportunities and challenges for the designation of areas which encourage 'night-time economies</p> <p>The Secretariat undertook to raise issues surrounding the Building Code of Australia with the Cultural Ministers Council Working Group on Contemporary Music Development.</p> <p>The Secretariat undertook to provide information to the IDC regarding the ACT Cultural Council's deliberations on this issue.</p> <p>Bob Neil to look at noise regulations in other jurisdictions and report back to the meeting.</p>	<p>JACS</p> <p>artsACT to Coordinate with JACS</p> <p>All Departments</p> <p>ACTPLA</p> <p>artsACT</p> <p>artsACT</p>
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<p>The meeting noted difficulties with the implementation of the 'Outdoor Concert Noise' policy.</p> <p>The meeting discussed the possibility of ACT Government buildings being available for use as music venues, in particular disused school buildings.</p> <p>5. The meeting noted other discussions currently being undertaken on this issue by the Standing Committee on Planning, Public Works and Territory and Municipal Services and the Cultural Ministers Council.</p> <p>The meeting noted that there were diverse opinions within the community in relation to this issue.</p>	<p>Bob Neil to provide further information on the policy and possible changes to its implementation.</p> <p>Kathy Strehar to consult with TAMS Property Group about its policies for the use of Government building, in particular disused school buildings.</p> <p>5. The Secretariat will provide information to the Standing Committee on Planning, Public Works and Territory and Municipal Services</p> <p>The Secretariat will seek access to community comments provided to the Standing Committee on Planning, Public Works and Territory and Municipal Services.</p> <p>The Secretariat will provide members with the best practice guide for the development of a legislative and regulatory environment supporting live music when it is endorsed by the Cultural Ministers Council in October 2009.</p> <p>The Secretariat will provide members with 'regulatory elements and information resources by state and Territory prepared by a consultant to the Cultural Ministers Council Working Group on Contemporary Music Development.</p> <p>The Secretariat will undertake targeted consultation with live music venues, promoters and community</p>	<p>DECCW</p> <p>DECCW</p> <p>TAMS</p> <p>Completed</p> <p>artsACT</p> <p>artsACT</p> <p>artsACT</p>
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		organisations in the first third of 2010.	artsACT
4	Next Steps and Next Meeting The next meeting will be held at 10.30am on Tuesday 24 November 2009.	The Secretariat will advise of the time and venue for the next meeting.	artsACT
	Close The meeting closed at 11.30am		

Respecting the neighbourhood

This new policy does not change the core requirements for venues to respect the rights of the local community. If a venue provides any entertainment, it must comply with relevant liquor licensing, building safety and noise laws just as it does now.

Strict regulations will continue to govern pubs, clubs, restaurants and cafés and these regulations will continue to be rigorously enforced by council, police and other agencies.

Careful planning by venues can minimise impacts on the local community.

This policy will remove cost, complexity and red tape for venues that want to provide live music for their customers.

Case study 1
The Dubliner is an Irish club located in the outer suburbs of a regional town. They want a Celtic folk band to play on some week nights and week ends in one of their four bars. This is part of the venue's main business and would not require a development application.

Case study 2

The Dubliner is an Irish club located in the outer suburbs of a regional town. They want a Celtic folk band to play on some week nights and week ends in one of their four bars. This is part of the venue's main business and would not require a development application.

Further information

Department of Planning
23-33 Bridge Street, Sydney
GPO Box 39, Sydney NSW 2001
Tel: 02 9228 6333

Email: innovation@planning.nsw.gov.au
www.planning.nsw.gov.au

Published October 2009



Planning



Communities
Office of Liquor, Gaming & Racing

Bringing back the music

Making it easier for restaurants, pubs, clubs and cafés to have live entertainment

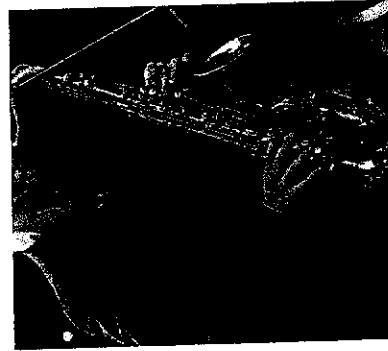


Music is set to make comeback in NSW with the introduction of a simpler and fairer approval system for public entertainment.

Music can be the heart of a city. It can bring joy and pleasure to the listener and performer, and enhance the atmosphere of restaurants, pubs, cafés and clubs.

In recent years it has become harder to find venues that offer live music.

The NSW Government is bringing music back to our cities and towns. By changing the laws, pubs, clubs, cafés and restaurants will have more opportunities to provide live music.



For music to develop, it needs an environment where it can grow. NSW used to have the most vibrant live music scene in the southern hemisphere. With these new regulations in place, it stands a real chance of reclaiming its former glory.

Date Barlow - Jazz musician and composer

Lolo Lavina performing at Cafe Carnivale.
Image: shanerozario.com



What's the difference?

Old system

In an existing venue must apply to its local council for a POPE licence to provide live entertainment. The venue is often also required to upgrade its building under the Building Code of Australia.

On top of a development application, new venues must also obtain a POPE licence to provide live entertainment. The new venue must also meet Building Code of Australia standards.

Conditions are attached to POPE licences to control the number of patrons, trading hours, noise levels and other matters.

Expensive building upgrades are often required to obtain a POPE licence.

New system

POPE licences are no longer needed – venues can have live entertainment as long as it is part of their main business.

Entertainment is now defined as part of normal activities at pubs, restaurants, clubs and cafes.

Live entertainment is considered as part of the new venue's development application and no additional licence is required for the venue to host live music. Live entertainment will now be on the same 'level playing field' as recorded music and TV screens.

POPE licence conditions will no longer have effect from 26 October 2009.

However, the conditions on a venue's liquor licence and development consent will remain in force.

A venue can still apply to the NSW Office of Liquor, Gaming and Racing to modify liquor licence conditions, and to local council to amend its development consent.

If necessary, the NSW Office of Liquor, Gaming and Racing can add new liquor licence conditions to regulate security, trading hours, patron numbers and other matters at venues.

Venues are no longer required to undertake expensive upgrades to have live music. This will result in a 'level playing field' for live music with recorded music and TV screens.

What are venue operators' responsibilities when hosting live music?

Venue operators are responsible for ensuring noise levels are managed appropriately for the local area, whether the music is live or recorded. Patrons must also behave responsibly.

What is the Office of Liquor, Gaming and Racing's role?

The NSW Office of Liquor, Gaming and Racing has a range of measures to manage complaints, including:

- Negotiating a workable solution with the venue and local community
- Responding to a formal disturbance complaint under the Liquor Act
- Issuing warnings or directions to a venue, and
- Imposing conditions on the venue's liquor licence to address the concerns.

A level playing field?

We can enjoy a wide range of entertainment when we go out to pubs, clubs, restaurants and cafes. Large screens broadcast the latest sports or entertainment, recorded music is played through speakers.

Many venues have been deterred from having live music because of the cost of licences and compliance measures – which in some cases do not have any relevance to the performance of music.

Restaurants, pubs, cafes and clubs no longer need additional approval to have live music. Venues across NSW can now offer musicians more opportunities to perform.

What will change?

From Monday 26 October 2009, the NSW Government is removing the need for venues to have a *Place of Public Entertainment (POPE)* licence to have live entertainment.

No extra approval is needed at all – as long as the live music provided forms part of the venue's main business and does not fundamentally change the principal use of the venue.

New venues will not have to apply for a POPE licence either, as live entertainment will be covered in their development applications.

Venues that currently have live music will no longer have to pay for a POPE licence.

We want what you want!

Both the NSW Government and musicians want more live music across NSW. We understand the importance of having a variety of performance venues to foster a creative and dynamic music industry.

This policy opens up many possibilities for energising the live music scene.

What is council's role?

Councils continue to have an important role by administering and monitoring venues' compliance with development consent conditions. If any form of entertainment breaches one of these conditions, council can take action.

Residents may also make a complaint to councils where there is significant noise or anti-social behaviour.



Bringing back the music

Making it easier for restaurants, pubs, clubs and cafes to have live entertainment



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“For music to develop, it needs an environment where it can grow. NSW used to have the most vibrant live music scene in the southern hemisphere. With these new regulations in place, it stands a real chance of reclaiming its former glory.”

Dale Barlow – Jazz musician and composer

What is new for venues?

The NSW Government has removed the need for venues to have a *Place of Public Entertainment* (POPE)—venues can now have live entertainment as part of their main business without the need for separate approval.

Entertainment is now part of normal activities at pubs, cafés, restaurants and clubs during the week and on weekends. Examples include a small restaurant engaging a jazz trio, a Celtic folk band playing in an Irish pub or a rock band at a club.

Do venues still need to obtain a POPE licence?

No. POPE licences have been abolished.

Do the conditions on my POPE licence continue to apply?

No. From Monday 26 October 2009, live music will be considered a normal part of a venue's activities. These conditions no longer apply.

When will venues need to obtain development approval?

If live entertainment will fundamentally change the principal use of your venue, development approval may be required.

However, if live entertainment is merely part of your venue's main business, you will not need additional approval.

Entertainment can be considered as part of the development approval for new venues, or for changes to existing venues.

In some cases, alterations and additions to existing venues can be complying development, which means that development approval will not be required.

To find out if you need development approval, contact your local council. Further information is also available on the Department of Planning's website www.planning.nsw.gov.au.

Do the conditions on my development consent dealing with entertainment continue to apply?

Yes, however you can apply to modify these conditions by contacting your local council. In some cases, the conditions may be reviewable without the need for an application. Further information is available on the Department of Planning's website at www.planning.nsw.gov.au.

Fact Sheet for venue operators

Music is set to make a comeback in NSW with the introduction of a simpler and fairer approval system for public entertainment.

The NSW Government has cut red tape for live entertainment in venues—pubs, clubs, restaurants, cafes and other live music spaces no longer need a special licence.

This measure will enliven NSW's music scene, and allow musicians to do more of what they do best—perform.

This fact sheet aims to help venue operators to understand the new system.

Further information

Department of Planning
23-33 Bridge Street,
Sydney NSW 2000
GPO Box 39, Sydney NSW 2001
Tel: 02 9228 6933

Email: innovation@planning.nsw.gov.au
www.planning.nsw.gov.au

**NSW Office of Liquor, Gaming
and Racing**
323 Castlereagh Street,
Haymarket NSW 2000
GPO Box 7060, Sydney NSW 2001
Tel: 02 9995 0300

Email: olgr@communities.nsw.gov.au
www.olgr.nsw.gov.au



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Communities
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Bringing back the music

Making it easier for restaurants, pubs, clubs and cafes to have live entertainment



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What happens if someone complains about noise coming from my venue?

Council and the local police will still handle noise and other complaints. In addition, the NSW Office of Liquor, Gaming and Racing has powers under the *Liquor Act* to respond to noise complaints about venues.

These powers include:

- Negotiating a workable solution with venues
- Responding to formal disturbance complaints, which can be lodged by three or more local residents, the police, local council, or a person whose financial interests are affected by the venue
- Issuing warnings or directions to a venue, and
- Imposing temporary or permanent conditions on a venue's liquor licence to address the concerns.

How can I control the spill of patrons from my venue and reduce anti-social behaviour that generates noise and other complaints?

The NSW Office of Liquor, Gaming and Racing has prepared information documents to help you reduce the risks of noise disturbance in the neighbourhood caused by events and patrons at your venue. These documents are available from the NSW Office of Liquor, Gaming and Racing's website: http://www.olgr.nsw.gov.au/bb_music.asp.

Suggestions include displaying signs reminding patrons to be quiet when they leave, having security patrol the area, cleaning-up after patrons, preventing patrons taking bottles or glasses onto the street, and ensuring transport is available to take patrons away from the venue.

How do I establish an effective relationship with my community?

Regular communication with your local community can help your neighbours feel comfortable with your venue, and help to avoid conflicts in the future. The NSW Office of Liquor, Gaming and Racing has prepared information and resources on how to build relationships within your local community.

More information can be found at the NSW Office of Liquor, Gaming and Racing's website: http://www.olgr.nsw.gov.au/bb_music.asp.

What responsibilities do I have as a venue operator?

Venues are responsible for ensuring that noise levels are managed appropriately for that particular local area—whether the music is live or recorded.

By considering local residents on issues such as noise control and patron numbers, you respect the local community, and your neighbours are more likely to accept your venue's activities.

We want what you want!

Both the NSW Government and musicians want more live music across NSW. We understand the importance of having a variety of performance venues to foster a creative and dynamic music industry.

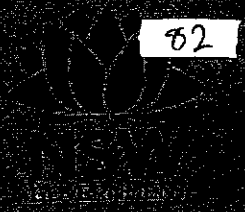
This policy opens up many possibilities for energising the live music scene.

Business owners can now enliven their spaces, and musicians will get to play more often and please us all. It's time to get NSW's pubs and clubs and cafés moving again.

Tim Freedman – The Whitlams

Bringing back the music

82



“For music to develop, it needs an environment where it can grow. NSW used to have the most vibrant live music scene in the southern hemisphere. With these new regulations in place, it stands a real chance of reclaiming its former glory.”

Dale Barlow – Jazz musician and composer

What has changed?

The NSW Government has removed the need for venues to have a *Place of Public Entertainment* (POPE) licence—venues can have live entertainment as part of their main business without the need for separate approval.

Entertainment is now part of normal activities at pubs, cafés, restaurants and clubs during the week and on weekends. Examples include a small restaurant engaging a jazz trio, a Celtic folk band playing in an Irish pub or a rock band at a club.

Does this change give me more opportunities to perform?

Yes. The red tape has been removed for venues, which gives them greater incentive to engage musicians to perform.

How are noise complaints dealt with?

The council and local police will still handle noise and other complaints. In addition, the NSW Office of Liquor, Gaming and Racing has powers under the *Liquor Act* to respond to complaints about venues.

These powers include:

- Negotiating a workable solution with venues and the local community
- Responding to formal disturbance complaints
- Issuing warnings or directions to a venue, and
- Imposing conditions on the venue's liquor licence to address the concerns.

What responsibilities do I have as a musician?

To ensure that you, the venues you perform at, and the people who come to hear you play are respectful of the local community. Musicians also have a role in promoting the integration of live music into venues.

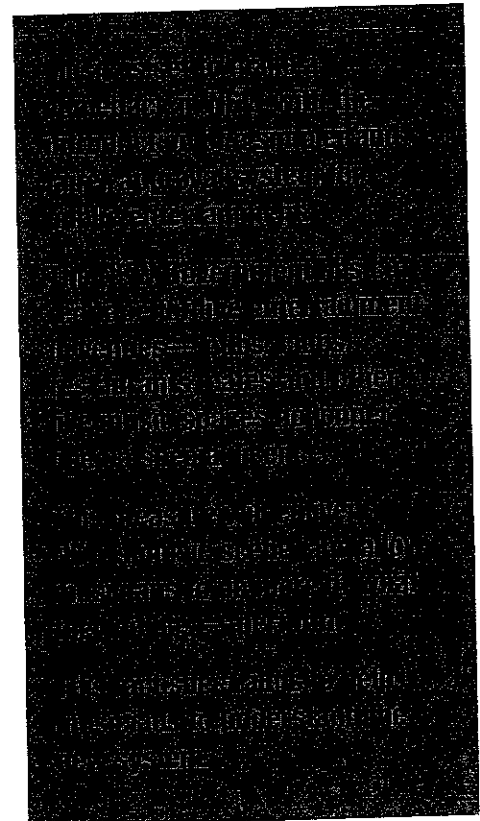
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Tim Freedman – The Whitlams

Fact Sheet for Musicians



Further information

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Email: olgr@communities.nsw.gov.au
www.olgr.nsw.gov.au



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Communities
Office of Liquor, Gaming & Racing



C2244/09

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LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY
STANDING COMMITTEE ON PLANNING, PUBLIC WORKS
AND TERRITORY AND MUNICIPAL SERVICES

Mary Porter AM MLA (Chair), Caroline Le Couteur MLA (Deputy Chair), Alistair Coe MLA

Mr Jon Stanhope MLA
Minister for the Arts and Heritage
Legislative Assembly for the ACT
GPO Box 1020
Canberra ACT 2601



Dear Chief Minister,

I am writing on behalf of the Standing Committee on Planning, Public Works and Territory and Municipal Services regarding the Cultural Ministers Council best practice guide for the development of a legislative and regulatory environment supporting live music and entertainment.

As you are probably aware, the Deputy Chief Minister responded on your behalf to this Committee's letter dated 23 July 2009 inviting a Government Submission to the Inquiry into Live Community Events. In that response, the Deputy Chief Minister indicated that the Cultural Ministers Council (CMC) has established a Working Group on Contemporary Music Development and has commissioned the writing of a best practice guide.

The Deputy Chief Minister also indicated that this report could be made available to the Committee when it has been approved. The Committee would be very interested in the best practice guide and I would therefore like to accept the offer for a copy to be made available to the Committee when it is approved.

Yours sincerely

Ms Mary Porter
Chair

23 September 2009



A.C.T. Emergency Services Agency

Working in partnership to protect and preserve life, property and the environment of the A.C.T.

Jan
Dachs

Emergency ☎ 000

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[RFS Home Page](#)

Event Planning

The Emergency Services Agency (ESA) works with government and non-government entities to assist event organisers to hold successful, enjoyable and incident free events in the ACT. Much of this work is carried out through the Joint Operations and Planning Group (JOPG) whose members consist of:

- ESA operational services (Ambulance, Fire Brigade, Rural Fire Service and State Emergency Service)
- ESA support staff
- ACT Policing
- Chief Ministers Department
- ACTION Buses
- Canberra Connect
- ActewAGL
- Territory and Municipal Services
- Justice and Community Safety
- Department of Defence
- St John Ambulance
- Department of Health
- ACT Community Recovery

JOPG undertakes planning for mass gatherings directed principally at managing the health and safety aspects for participants, officials and spectators at events.

PLANNING FOR AN EVENT

If you are an event organiser looking at undertaking an event in the ACT, you will need to complete documentation with either the Office of Regulatory Service (for ACT managed lands) <http://www.ors.act.gov.au/PublicEvents/index.html>

or the National Capital Authority (for Federally managed lands) http://www.nationalcapital.gov.au/index.php?option=com_content&view=article&id=435&Itemid=235

The preparation required for an event is dependant upon the number of spectators and the nature of the event. Events that have a high risk of death or injury occurring or attract numbers greater than 5,000 will require input from emergency services.

Emergency services can provide advice on your Risk Management Plan and contribute to the development of your Emergency response Plan.

Send details of your event to esaeventplanning@act.gov.au and you will be contacted by a risk and planning officer to obtain more detailed information.

It may be that your event will require the presence of an ambulance, State Emergency Service personnel or advice from the ACT Fire Brigade or the ACT Rural Fire Service. For example:

- ACTAS can provide guidelines to assist with decision making regarding professional on-site Intensive Care Paramedic coverage/attendance. ACTAS attendance may be compulsory depending on the type or size of your event. The event venue may stipulate the level of ambulance services required.
- the ACTFB can provide advice on the implications of restricting or denying access to fixed fire safety assets such as boosters, hydrants, fire hose reels. If your event involves fire, the use of pyrotechnics (fire works), installation of temporary structures or use of hazardous materials the Fire Brigade will provide advice and guidance in accordance with relevant legislation and Australian Standards.
- The ACTRFS may be able to provide personnel and firefighting resources to

Fire Danger Rating



LOW - MODERATE

Fire Danger Index

1

assist with your event provided they are given at least 4 weeks notice. Contact can be made by forwarding an email to rfsadmin@act.gov.au or phoning 6207 9991.

- The ACTSES are able to provide support, provided they are given at least 4 weeks notice, with the following:
 - trained traffic marshalls
 - flood boats
 - lighting

The ACT SES can be contacted by forwarding an email to ses@act.gov.au or phoning 6207 8462.

[1]The quality and quantity of planning and preparation for health and safety aspects of these events vary considerably. This may be due to many factors such as the number of spectators, the nature of the event, and the promoter's experience. Inadequate planning can increase risks associated with insufficient or ineffective spectator management or service provision.

[1] Taken from Australian Emergency Manuals Australia Manual 2 "Safe and Healthy Mass Gatherings". To purchase a copy, visit <http://www.ema.gov.au/agd/EMA/emaInternet.nsf/Page/Publications>



In an Emergency dial 000

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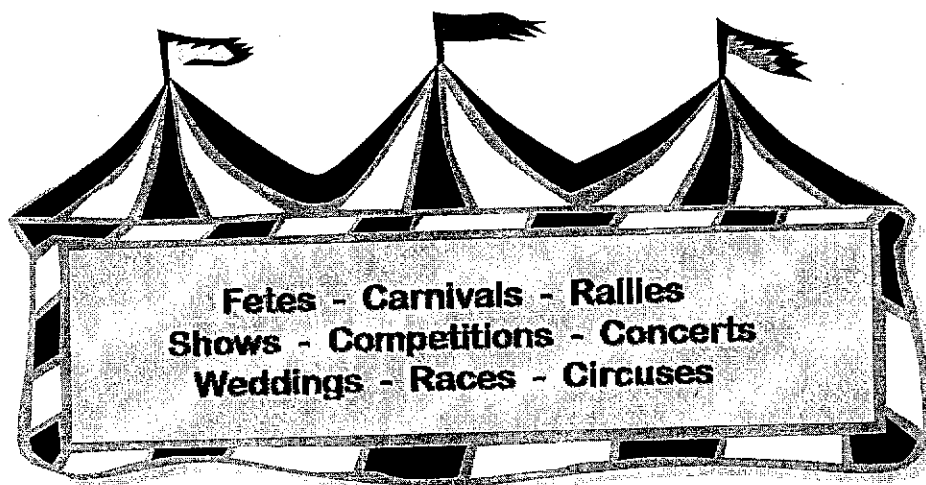




Guide to

Organising Public Events

in the ACT



December 2008



OFFICE OF REGULATORY SERVICES
DEPARTMENT OF JUSTICE & COMMUNITY SAFETY

Disclaimer

While reasonable steps have been taken to ensure the information in this guide is accurate, you should not rely solely on that information and no liability will be accepted for any loss or damage if you do so. This is a guide only and does not take the place of sound legal advice. You should seek legal advice if you need assistance in relation to your particular circumstances.

If you need interpreting help, telephone:

Translating and Interpreting Service - 131 450.

Edition

This is Edition 2 of the guide and will be subject to review and issue of a revised edition on or about 30 June 2009. Please note changes in legislation may introduce new obligations before this date. See disclaimer advice above.

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A Guide to Organising Public Events in the ACT

Managing a public or private event

Whenever organising/inviting people or groups of people to an event or gathering for some purpose, the organiser (whether an individual or an organisation entity) has wide ranging responsibilities in addition to management of the venue, entertainment or proceedings.

These will include the safety, health and rights of staff, volunteers, participants and the general public, as well as protection of property, and preservation of the environment. The organiser must also ensure that there is effective insurance cover such as public liability insurance.

This guide offers an overview of many of the issues that should be considered when organising a **public event**. It also provides links and contact details, wherever possible, to resources that may need to be accessed when organising a public event.

Are you organising a public event?

- Can members of the general public attend your event? Yes No
- Is your event being held on public land? Yes No

If you answered **NO to both** of these questions your event is not likely to be considered a public event although you may find some of the information provided in this guide helpful when organising a private event.*

If you answered **YES to either** of these questions your event is considered to be a public event and you should be familiar with many of the requirements and issues raised in the web links (URLs) provided in these pages.*

* **Please note**, some events (both public and private) that do not require any formal approvals, should be advised to, or discussed with, a relevant authority. This often arises from the organisers "duty of care" for the safety of guests or participants and to the wider community. See "STEP 2 - MANAGING SAFETY - Level of Safety Risk for an Event" for further advice.

STEP 1 - LIABILITY AND LOCATION

Understanding Liability?

It is important that the organiser of any event is adequately protected against the risk of legal action should something go wrong.

Insurance for Public Events

- Do you hold public liability insurance? Yes / No
- Do you know how much coverage it provides?
- Are there conditions attached?

A good understanding of liability and insurance issues is essential for any event organiser.

Public Liability Insurance

Public Liability Insurance may be required for your event. In the first instance, seek advice from the venue that you select to hold your event at, as they will generally have conditions of hire/use that may require a basic level of PLI. The nature of your event may also require higher levels of insurance.

Venue managers maintain their own insurance but this only covers the Venue operator and will not normally extend to protect the liability of groups or organisers using the venue.

Some venue managers such as the ACT Government require entities using or occupying the land or premises they control, to maintain adequate levels of public liability insurance for the proposed activities before approval will be granted.

Entities wishing to use Territory land or premises will be required to register on the ACT Government's Insurance Risk Advice Website www.insuranceriskadvice.act.gov.au and complete a risk profile for their activities. This will determine the required level of public liability insurance based upon objective standardised risk criteria.

The Insurance Risk Advice Website also offers free risk management guides and assistance.

Other Types of Insurance

Other types of insurances that you may be required to hold include:

- Workers compensation - Refer to Office of Regulatory Services (ORS), WorkCover for detailed information
- Motor vehicle insurance (optional)

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- Professional Indemnity
- Property insurance
- Product liability

Insurance Related Issues

Entertainers - you should ensure that performers have insurance to cover their activities while at your event. You should sight their insurance documentation.

Professional service or advice - you should ensure suppliers are licensed/accredited/registered etc and hold professional indemnity insurance.

Suppliers of goods they have made/manufactured/imported - you should ensure they hold product liability insurance.

Security services - you should use licensed security personnel that hold public liability insurance.

Event Insurance (or Cancellation Insurance) - If you are running an event to generate income you might consider insurance that will protect you against loss in case of cancellation. It is advisable to monitor weather forecasts in the lead-up to your event so you can plan for the predicted weather conditions. The Bureau of Meteorology can provide you with long and short-range forecasts.

For answers to some common questions about insurance refer to the "Frequently asked Questions" [FAQs] at the top of the following link:
<http://www.insuranceriskadvice.act.gov.au/riskadvisory/risk.nsf>

Where do you wish to hold your event?

The location determines who controls the venue/location for the purpose of hiring or approving use, and identifying the conditions of use at the proposed location.

Note: Placing a sign on public land constitutes making use of that land and requires a permit.

On ACT Government Land or Venue? **

For example:

- Parks/Gardens
- Forests
- Roads
- Hire venues (eg. EPIC or Canberra Stadium)

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Use of ACT Government Controlled Parks and Gardens

Persons wishing to hold an event within the estate managed by Parks, Conservation and Lands must obtain approval.

The Parks, Conservation and Lands estate includes:

- Namadgi National Park
- Murrumbidgee River Corridor
- Canberra Nature Park (1)
- Tidbinbilla Nature Reserve
- Lake foreshores other than National Capital Authority controlled areas
- Other nature reserves and former ACT Forests Land
- Town centres (2) and District parks (3)
- Any other unleased Territory open space.

1 - Canberra Nature Park includes:

- Mt Majura
- Mt Ainslie
- Black Mountain
- Red Hill
- Mt Painter
- Mt Taylor
- Burnt Stump & Old Joe in Goorooyaroo Nature Reserve
- Wanniasa Hills
- McQuoids Hill
- Urambi Hills
- Cooleman Ridge and
- Tuggeranong Hill.

2 - Canberra Town Centres includes:

- Garema Place, Civic Square etc in the city
- Gungahlin Town Centre in Gungahlin
- Belconnen Town Centre in Belconnen

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- Woden Plaza in Phillip
- Greenway in Tuggeranong
- All neighbourhood shopping precincts.

3 - District parks and local/neighbourhood parks includes:

- | | |
|----------------------------|-----------------------------|
| • Glebe Park | • Lennox Gardens |
| • Tuggeranong Town Park | • Telopea Park |
| • Black Mountain Peninsula | • John Knight Memorial Park |
| • Weston Park | • Fadden Pines and |
| • Yerrabi Pond Park | • skate parks. |

Please contact Canberra Connect on Ph. 132281 regarding approvals or use for these areas. An application form and general information is available at:
http://www.tams.act.gov.au/play/parks_forests_and_reserves/recreation_in_acts_parks_forests_and_bushlands/organised_events

Use or closure of ACT Roads

This applies to any planned activity that is wholly or partly conducted on a road (or a road-related area such as car parks), requires special traffic management arrangements, and usually involves a large number of participants and / or spectators. This also includes events conducted within a venue such as sports, cultural and recreational events if the event disrupts normal traffic flow.

The Roads ACT Special Events Officer arranges for the necessary approvals on behalf of the event organiser. Different approval levels are required for different special events and application must be made 6 weeks (12 weeks in some cases) in advance of the event.

For further information refer to: www.tams.act.gov.au/move/roads/temproadclosures

Use of Sportsgrounds and Facilities

Persons wishing to make use of ACT sports grounds and facilities should refer to:
www.tams.act.gov.au/play/sport_and_recreation/sportsgrounds_and_facilities

Hire of Public Venues (eg. EPIC or Canberra Stadium)

- Canberra Stadium, see: www.canberrastadium.com
- Exhibition Park, see: www.epic.act.gov.au/default.htm

** Please note that some events/functions on ACT Land also require Works Approvals from the National Capital Authority - please ask your land manager.

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On Commonwealth Land?

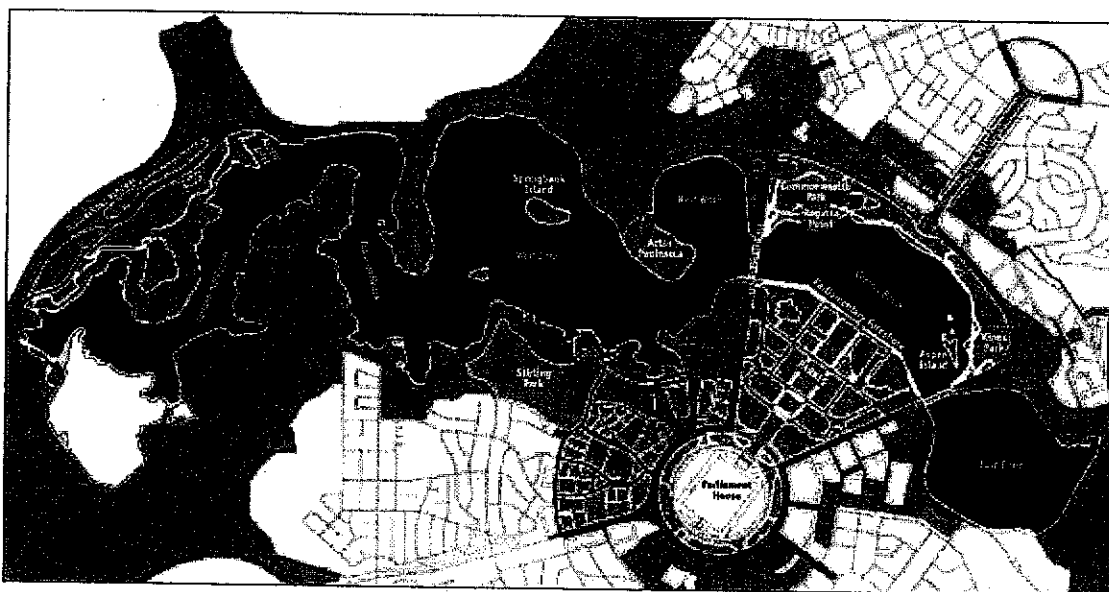
Use of Commonwealth (ie National Capital Authority) Controlled Land. For example:

- Parliamentary Triangle
- Lake Burley Griffin

Persons wishing to hold an event within National Capital Authority controlled Lands will need to refer to the National Capital Authority web site. Information and application forms are available at: www.nationalcapital.gov.au/events_and_venues/

National Capital Controlled Land includes:

- Parliamentary Triangle
- Commonwealth and Kings Parks
- Lake Burley Griffin (water and islands)
- Anzac Parade
- Acton Peninsula and Yarramundi
- Other (See map below for details.)



• Permission from the National Capital Authority is required to use land for events.



• Permission from the Territory Government is required to use land for events.

Approval from the National Capital Authority is required for all temporary works associated with events in all of these areas.

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On Private Land?

Private property (eg selling tickets is a strong indicator of a public event on private property)

Use of Leasehold (Private) Land, ie non-public venues include:

- Commercial Venue (Hotel, Club, Sporting facility)
- Non-commercial organisation venues (Church, School, Charity organisation)
- Leased shopping centres
- Private property (eg selling tickets is a strong indicator of a public event on private property)

Many Public Events not held on Public Lands will be held in commercial venues that provide extensive requirements for the event organiser and have in-house risk management and planning processes and resources to assist in managing the event.

Event managers holding events on private property are advised to contact their insurer to ensure that the public liability insurance policy for the property provides insurance coverage in the circumstances of the proposed public event or else the event manager will need to arrange appropriate coverage.

STEP 2 - MANAGING SAFETY

What is Safety Risk Management?

This simply means considering what might not be safe or what might go wrong, and doing something about it. Everyone manages safety every day, whether crossing a road, or climbing a ladder, you look out for the dangers and do it safely.

The only difference is that a public event will involve many activities that could be a safety risk. Managing them will require writing them down and finding out about some safety issues that may be new to you.

Your "Duty of Care" is a legal obligation!

Key references for the organiser's "Duty of Care" in respect of safety are:

- Occupational Health and Safety Act 1989, Division 4.1
- Dangerous Substances Act 2004, Part 3.1

Links to this legislation is available from: www.ors.act.gov.au follow links to WorkCover → OHS OR Dangerous Substances → Legislation.

Guidance to this legislation is available in the following Office of Regulatory Services webpages:

- A Guide to the OHS Act - www.ors.act.gov.au/WorkCover/pdfs/WorkSafe/Guides/Guide-OHS_Act.pdf
- A Guide to the Dangerous Substances Act - www.ors.act.gov.au/WorkCover/pdfs/DangSubs/Guides/Guide-DS_Act.pdf

Managing Safety

Whether your event is large or small, and whether it is based at one location or many, as an event organiser/manager, your "Duty of Care" means you are responsible for making sure that the event is safe and without risk to health.

Managing safety includes ensuring the safety and health of event personnel, volunteers and visitors. Relying on insurance is not an option when addressing risks to safety, and loss of reputation cannot be insured. Negligence by an event organiser may arise both from what is done and from what is not done.

While managing safety risk is not new or unusual, managing a wide range of safety issues and coordinating with a large team requires a methodical approach.

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Safety Management

It is important that an organisation or person with management or control of a public event be able to show they have exercised reasonable care in addressing their health and safety obligations.

This should include taking steps that are reasonable in the circumstances to ensure effective:

- Hazard management
- Accreditation of officials
- Communications
- Emergency response planning
- Instruction, training and supervision of employees/volunteers/other personnel
- Documentation of safety management processes and activities.

Hazard Management Procedures

Basic guidance to hazard management processes are available from Office of Regulatory Services, WorkCover website - www.ors.act.gov.au/workcover. See:

- A Guide to Risk Management of Public Events - www.ors.act.gov.au/workcover/pdfs/worksafe/guides/Guide_Public-Events.pdf
- The Small Business Health and Safety Tool Kit - www.ors.act.gov.au/workcover/webpages/worksafe/tensteps.htm

You should also contact the venue manager for a risk management template for the location.

The Emergency Services Agency can provide advice on your Risk Management Plan once it has been developed. Your draft Risk Management Plan can be forwarded to esaeventplanning@act.gov.au. Risk Managers from ACT Ambulance, ACT Fire Brigade, ACT Rural Fire Service, ACT State Emergency Service and the Emergency Services Agency will review your plan to ensure you have considered all risks.

Accreditation of Officials

Accreditation is an important tool for ensuring appropriate levels of access and security are maintained at your event. Accreditation also identifies to your event team, volunteers and staff authorised personnel.

Type of accreditation you decide to produce will depend on your budget, resources and numbers required.

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Your accreditation may come in the form of:

- Photo accreditation (including a passport photo of the holder)
- Laminated cards (basic card indicating level of accreditation)

To support your accreditation you will also need to ensure staff and volunteers are briefed in the conditions of each accreditation level and appropriate signage is in place to assist with access control.

Communication

Effective communication is vital to the success of your event. This includes during the planning process right through to implementation.

Prior to your event consider:

- Meetings with documented agendas and minutes
- Organisational structure and communication channels

At the event consider:

- Two way radios
- Loud hailers
- Public address (PA) systems
- Mobile phones
- Internet and wireless communications
- Meetings and briefings

Identify who has the expertise to handle various situations and ensure this is communicated and understood.

Incident Report Forms

It is good event management practice to develop an incident register and complete incident report forms for all incidents that occur at your event. Incident documentation should identify all reporting obligations and relevant contact details.

An incident is "any unplanned event that could have, or did cause, an injury or property damage". Regardless of the severity of the incident, it is appropriate to document the details of all incidents.

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Emergency Response Plan

An event emergency response plan provides details of how and who will be involved in the event of a major emergency at your event. The development of your emergency response plan should involve consultation with the Australian Federal Police and the ACT Emergency Services Agency (ESA).

ESA has four operational services, ACT Ambulance, ACT Fire Brigade, ACT Rural Fire Service, ACT State Emergency Service.

You should contact the ESA by emailing esaeventplanning@act.gov.au or by telephoning 6205 4367 to notify them of your event and seek advice and assistance with the preparation of your emergency Response Plan.

ACT Ambulance Service

The ACT Ambulance Service (ACTAS) - www.ambulance.act.gov.au is responsible for providing emergency and non-emergency ambulance services to the ACT community.

ACTAS can provide guidelines to assist with decision making regarding professional on-site Intensive Care Paramedic coverage/attendance. ACTAS attendance may be compulsory depending on the type or size of your event. The event venue may stipulate the level of ambulance services required.

ACTAS will also provide advice on your Risk Management Plan and contribute to the development of your Emergency response Plan through the Emergency Services Agency esaeventplanning@act.gov.au.

ACT Fire Brigade

You should make contact with the ACT Fire Brigade - www.firebrigade.act.gov.au for similar reasons to those listed for the AFP.

The ACTFB can provide advice on the implications of restricting or denying access to fixed fire safety assets such as boosters, hydrants, fire hose reels. In addition, if your event involves fire, the use of pyrotechnics (fire works), installation of temporary structures or use of hazardous materials the Fire Brigade will provide advice and guidance in accordance with relevant legislation and Australian Standards.

ACTFB will also provide advice on your Risk Management Plan and contribute to the development of your Emergency Response Plan through the Emergency Services Agency esaeventplanning@act.gov.au.

ACT Rural Fire Service

The ACT Rural Fire Service (ACTRFS) may be able to provide personnel and firefighting resources to assist with your event provided they are given at least 4 weeks notice. Contact can be made by forwarding an email to rfsadmin@act.gov.au or phoning 6207 9991.

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ACTRFS will also provide advice on your Risk Management Plan and contribute to the development of your Emergency response Plan through the Emergency Services Agency esaeventplanning@act.gov.au.

ACT State Emergency Service

The ACT State Emergency Service (ACTSES) are able to provide support with:

- trained traffic marshalls
- flood boats
- lighting

provided they are given at least 4 weeks notice. Contact can be made by forwarding an email to ses@act.gov.au or phoning 6207 8462.

ACTSES will also provide advice on your Risk Management Plan and contribute to the development of your Emergency response Plan through the Emergency Services Agency esaeventplanning@act.gov.au.

Office of Regulatory Services, Workcover

WorkCover's core business is to administer, implement and enforce legislation covering occupational health and safety, workers' compensation, dangerous substances and labour regulation.

You should make contact with Workcover to ascertain whether or not you will need to consult and seek advice and assistance from them with regard to your event, particularly where you might have infrastructure or dangerous substances at your event. See www.ors.act.gov.au/WorkCover, forward e-mail to workcover@act.gov.au or phone 6207 3000.

Australian Federal Police

The Australian Federal Police (AFP) - www.afp.gov.au is responsible for policing in Canberra, Australia's national capital, and the surrounding Australian Capital Territory (ACT). The AFP provides this service to the people of the ACT through its community policing arm, ACT Policing - www.afp.gov.au/act.html.

You should make contact with the AFP to ascertain if there is a need for police attendance or involvement with your event. Particularly if you expect a large crowd at your event, intend to serve alcohol or require traffic management services.

First Aid

Whenever you hold a public gathering, you may need to provide a level of first aid. The level and type of first aid will depend on the nature, size and type of event. The event venue may stipulate the level as a condition of hire.

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If your event is held on or near water, you should also consider if aquatic rescue services are required.

You may elect to appoint a first aid provider to provide first aid services for your event.

In addition, you should consider ensuring that your key staff and personnel carry a Senior First Aid Certificate or even a Bronze Medallion.

Lost Children

For a large event it is advisable to make arrangements for lost children. This could include setting up an area where lost children can be looked after and where carers can look for them. Arrangements for children and carers who become separated should be clearly communicated to event patrons.

All staff and volunteers working at the event should be aware of the procedures to be followed for lost children. The lost children's area should be staffed with appropriately qualified employees or volunteers.

Note that all people (whether volunteers or paid staff) working with children must sign a "Prohibited Employment Declaration". This declaration helps prevent unsuitable persons from working for your event in positions where they have direct, unsupervised contact with children.

For resources to help organisations become child-safe and child-friendly, visit the Department of Disability, Housing and Community Services webpage at www.dhcs.act.gov.au/ocyfs/child_safe_organisations.htm. On this page you will find links to helpful information and guidelines.

Also on the Departments website is a document related to the Screening of people working with Children.

The ACT currently does not have a 'Working with Children check' however you can find the NSW check at www.kids.nsw.gov.au/director/check.cfm.

Level of Safety Risk for an Event

A number of key factors affect the level of risk to which an event organiser is exposed. They also impact on the level, and expense, of public liability insurance that the event organiser will require. Insurance indemnifies the organiser from any legal liability arising from the activities they conduct. Residual risk could give rise to these legal liabilities.

What type of event are you holding?

The size and type of event are useful indicators of the level of risk management required and external organisations that you should contact about organising the event.

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Major event (5000 people+)

- Concert
- Festival
- Sporting event
- Demonstration/protest
- Exhibition
- Other

Dealing with Risk Levels for Major Events

Risk issues posed by this type of event will include:

- Evacuation plans (for moving large numbers of visitors in/to safety)
- Lost children
- Injuries
- Disruption of traffic
- Inadequate transport facilities
- Crowd movement bottlenecks/crashes
- Antisocial behaviour

The event organiser should contact all of the following organisations to discuss management of, and risks posed by, the event.

- ACT Emergency Services Agency
- ACT Police
- ACTION
- Roads ACT
- Office of Regulatory Services
- First Aid Services

General Event (300 - 5000 people)

- Concert
- Festival
- Sporting Event
- Demonstration/protest
- Exhibition
- Gala dinner

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Dealing with Risk Levels for General Events

Risk issues posed by this type of event might include:

- Evacuation plans (for moving large numbers of visitors in/to safety)
- Lost children
- Injuries
- Disruption of traffic
- Inadequate transport facilities
- Crowd movement bottlenecks/crashes
- Antisocial behaviour

A range of considerations may impact on the risk levels of the event. Significant considerations include:

- Access to alcohol
- Controversial programs/VIPs/social issues
- Activities which may attract passers-by
- Inherently dangerous activities or conditions
- Hot Food stall tents
- Access to parking
- Synchronised arrivals and/or departures

The event organiser should contact the relevant organisations below to discuss management of, and risks posed by, the event. This will be essential where significant risk factors may combine with more than minimal crowd levels for an event.

- ACT Emergency Services Agency
- ACT Police
- ACTION
- Roads ACT
- Office of Regulatory Services
- First Aid Services

In particular, event organisers should contact ACT Policing if there is likely to be an impact on parking or traffic, access to alcohol, and/or possible security concerns.

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Function (less than 300 people)

- Wedding
- Corporate event
- Large BBQ event
- Open party

Dealing with Risk Levels for Functions

Risks posed by smaller events may be clear to the organiser. Risk issues posed by this type of event can include:

- Disruption of traffic
- Inadequate transport/parking facilities
- Injuries
- Antisocial behaviour

Significant considerations affecting risks include:

- Access to alcohol
- Controversial programs/VIPs/social issues
- Activities which may attract passers-by
- Inherently dangerous activities or conditions
- Hot Food stall tents

Other issues to consider may include access to parking, road closures, age groups involved, etc.

The event organiser should give consideration to contacting the following organisations for advice regarding management of the potential risks of their event.

- ACT Police
- Roads ACT
- ACT Emergency Services Agency
- First Aid Services

The event organiser should ensure that effective safety risk management plans are implemented and sound judgement applied to the need to contact the above organisations for assistance.

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STEP 3 - EVENT ORGANISATION CHECKLIST

Following is a range of issues likely to need consideration when organising an event. Each subject area is linked to a page with some further clarification and contact details and/or links to organisations and web sites that you may need to contact for detailed information, assistance, guidance, permits, authorisations, etc.

Food and Alcohol

If you are serving food at your event, there are certain requirements under the *Food Act 2001*.

To sell alcohol you must obtain a Permit from the Office of Regulatory Services. The availability of alcohol at an event introduces a range of risk management issues that must be addressed by the organiser.

Food

If you are organising an event that will include provision of food for sale, there are certain requirements under the *Food Act 2001*.

The Health Protection Service of ACT Health suggests that you:

- Inform all food vendors that they are required to satisfy the provisions of the *Food Act 2001* concerning notification/registration of food businesses.
- Ensure that food vendors have relevant documentation from the Health Protection Service that indicates notification of the business at the event or the business has a current Food Business Registration.

The Health Protection Service can be contacted on 6205 1700, or you can visit the relevant section of their website at www.health.act.gov.au/c/health?a=sp&pid=1074233338

Alcohol

To sell alcohol you must obtain a Liquor Permit from the ACT Office of Regulatory Services. Contact Business and Industry Licensing on (02) 6207 0562 for advice about obtaining a permit.

For a special event permit, you must apply for the permit more than three days before the event start date. When applying for the permit, you must have written permission from the owner or manager of the property where the event is being held. For example, if the event is being held at Exhibition Park in Canberra (EPIC), you will need a letter from them stating that they give the event permission to sell alcohol on the EPIC grounds.

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The Office of Regulatory Services can provide details of the current fees for a Liquor Permit.

A Liquor Permit may be issued for up to 20 separate events or dates within a period of three months from the date of the first event. For more information contact Business and Industry Licensing on (02) 6207 0562.

More information is available by visiting the Office of Regulatory Services, Business and Industry Licensing website www.ors.act.gov.au/BIL/WebPages/Industries/liquor.html or by phoning the Support Unit on (02) 6247 0400.

To be eligible for a liquor permit you will need to demonstrate that alcohol will be served responsibly at your event. Some issues you should consider are:

- The display of "responsible service of alcohol" signs;
- Provision of clear signage showing where alcohol can and cannot be served;
- Provision of free drinking water;
- Availability of food;
- Plans to ensure neighbours are not disturbed by the event;
- Plans to ensure safety and security at the event;
- Provision of safe transport for people leaving the event;
- The legal requirement of the Permit Holder, serving staff and security officers to be trained in the responsible service of alcohol.

You can contact the "Centacare Sobering Up Shelter" Co-ordinator Ph: (02) 6162 6836 for advice regarding care and protection of men and women recovering from alcohol intoxication and drug consumption. {Shelter open 11:00pm to 11:00am Thursday to Saturday - last admission 6:00am}

Please note: This is not a comprehensive list of issues that may affect the selling of alcohol at your event, please contact Business and Industry Licensing at the Office of Regulatory Services on (02) 6207 0562.

Regulated Activities

As events can encompass a diverse range of activities you should check whether any of the activities at your event are subject to controls.

Trade Measurement

All measuring instruments used in trade transactions must be of an approved type and be certified or verified as correct either by a licensed certifier or Government inspector. This includes scales, measures of length, volume, spirit and beverage measures. All pre-packed articles (unless exempted by the Regulation) must be marked with a statement of weight

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or measure and the name and address of the packer. The measurement statement must be displayed on the main display portion of the package and be of a certain size and be printed in contrasting colours to its background so it is easily seen and read when displayed for sale.

See Office of Regulatory Services, Fair Trading webpage - www.ors.act.gov.au/FairTrading/pdfs/Corporate/InfoSheets/TM_Brochure.pdf

Second-Hand Dealers

Individuals and companies that engage in the sale of some second-hand goods in the ACT must be licensed. Pro-rata and minimum fees apply. This licensing process has been developed to deter the disposal or sale of stolen or unlawfully obtained goods through second-hand dealers.

Schedule 1 of the Second-hand Dealers Regulation clearly describes the types of goods that require a seller to be licensed. The Regulation and the *Second-hand Dealers Act 1906* are accessible through the Office of Regulatory Services, Fair Trading website www.ors.act.gov.au/fairtrading and the ACT legislation register www.legislation.act.gov.au.

For more information contact Business and Industry Licensing on (02) 6207 0562.

Motor Vehicle Dealers

All new and used motor vehicle dealers, wholesalers and car market operators trading in the ACT, whether in a temporary or ongoing capacity, must be licensed. Pro-rata and minimum fees apply. Licensing ensures that all motor vehicle trade is conducted in an open market environment, and provides protection to consumers in respect of purchase arrangements and after-sales services.

Particular attention should be given to the broad definition of a motor vehicle under the *Sale of Motor Vehicles Act 1977*.

Motor vehicle dealers already licensed in the ACT must seek an extension of their existing licence if they intend to sell vehicles at a location other than their places of business specified in their licence. Fees apply.

Visiting traders must also apply for a licence for the specific dates and location of sale activities.

See ORS webpage: www.ors.act.gov.au/BIL/WebPages/Corporate/application_forms.html

For more information contact Business and Industry Licensing on (02) 6207 0562.

Electrical Safety

Electrical products sold in Australia must comply with relevant Australian standards of performance and safety. Electrical items are tested and given approval numbers that indicate to the community that the product has met the applicable standards. A

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business has a responsibility, when selling second-hand items of electrical equipment, to ensure that the items are tested and still meet the required standards.

For further information contact the Standards, Codes and Legislation Section of the ACT Planning and Land Authority on telephone (02) 6207 7161 or visit www.actpla.act.gov.au

Safety Standards

Consumers are protected from the hazards of goods through the establishment of mandatory product safety and information standards under the *Trade Practices Act 1974* and the *Fair Trading (Consumer Affairs) Act 1973*. Suppliers and manufacturers have an obligation to comply with these standards and, if these are not met, they may be liable to pay compensation to anyone who has suffered any injury or loss as a result of using those goods.

Clothing - based on the Australian Standard AS/NZS 1249:1999

It is mandatory for children's nightwear (sizes 00 - 14) to be labelled

- as either 'Low Fire Danger' or
- as 'WARNING - HIGH FIRE DANGER KEEP AWAY FROM FIRE'

and be accompanied by the flame symbol. The relevant label is dependent on the nature of the product.

It should be noted that these rules apply to children's clothing that, while not marketed as nightwear, could be used as nightwear.

Other items that specifically require warning labels include baby walkers, beanbags, other polystyrene bean filled goods, foam toys and toys for use in, or with, water. Further information about safety standards can be obtained from the Australian Competition & Consumer Commission (telephone 1300 302 502), or at www.accc.gov.au.

Further information about the Australian Standard AS/NZS 1249:1999 can be obtained from Standards Australia on 1300 65 46 46 or at www.standards.com.au.

Toys for children under 3 - based on the Australian Standard AS/NZS 8124.1:2002.

Toys suitable for ages up to 36 months (not just those marked as such) must not contain any small parts that may be a choking hazard, nor produce any small parts when put through a range of tests that simulate normal use and abuse.

As a guide, if a small item and/or one of its parts fits into a 35mm film canister, then the item must be labelled as unsuitable for children under the age of 3 years.

Further information can be obtained from Standards Australia on 1300 65 46 46 or at www.standards.com.au

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Care Labelling Information - clothing and textile products - based on the Australian Standard AS/NZS 1957:1998.

This is particularly important for traders importing products. Instructions for the correct care and maintenance of clothing, household textiles, furnishings, upholstered furniture, bedding, piece goods and yarns.

The care instructions are to be accessible at the point of sale - in most cases permanently attached. Some exclusions apply. Consumers are able to seek compensation or damages for personal injury or other loss caused by a defective product, in this case the absent or incorrect care labelling.

Standards for labelling stipulate that certain information must be provided and should cover:

- cleaning instructions (e.g. dry clean only; warm or cold wash only);
- warning against inappropriate treatment
- general care and maintenance (e.g. store where air can circulate).

More specific information regarding care labelling requirements can be obtained from the Competition and Consumer Policy Division, the Treasury (Commonwealth) on telephone (02) 6264 2747 or the Office of Regulatory Services on (02) 6207 0400.

Further information about Standard AS/NZS 1657:1998 can be obtained from Standards Australia on 1300 654 646 or at www.standards.com.au.

Banned Products

It is an offence to sell a product that is subject to a banning order. Products are sometimes banned from sale a long time after they first entered the market place. The Office of Regulatory Services - Fair Trading and the Competition and Consumer Policy Division of the Treasury (Commonwealth) can provide lists of banned products and more specific product safety information. Contact Office of Regulatory Services on (02) 6207 0400 and the Competition and Consumer Policy Division on (02) 6263 2747 or at www.consumersonline.gov.au

Plastic Bags

Plastic bags can cause death by suffocation. If you provide goods to customers in plastic bags, or you supply plastic bags as promotional items, you must ensure they have adequate ventilation (i.e. holes).

X18+ film industry

An individual or organisation wishing to sell or copy X18+ Films (videos, DVD, CD-ROM) must obtain a licence to do so. Substantial licence fees apply. The locations from which these products can be sold are restricted to the divisions of Fyshwick, Mitchell and Hume. X18+ Films cannot be sold at EPIC.

For more information contact Business and Industry Licensing on (02) 6207 0562.

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Credit Providers and Finance Brokers

Credit providers and finance brokers operating in, or providing services to clients in, the ACT must be registered. Pro-rata registration fees apply.

The only other jurisdiction that requires registration of this industry is Western Australia. This means many practitioners in this industry from outside the ACT will not have the proper registration. Any company that advertises or provides these services in the ACT - whether or not the company is based in the ACT - needs to be registered.

Real Estate, Business, Stock & Station, Employment and Travel Agents

All organisations and individuals conducting business in these categories must be licensed to operate in the ACT. Licence fees apply and licences are issued for up to 12 months.

Real Estate, Travel and Employment Agents already licensed in the ACT must obtain an extension to their licence if they conduct business at a location other than their place of business specified in their licence. There is no fee to add a temporary place of business to these licences.

For more information contact Business and Industry Licensing on (02) 6207 0562.

Visiting traders must also apply for a licence for the specific dates and location of their intended activities. Traders in this field should be aware that they do not necessarily have to accept moneys to be considered to be trading.

Common Hazards

The following provides information, and access to information, regarding common hazards associated with events. It is not intended to be, nor is it feasible to provide, a comprehensive list as there will be hazards unique to individual events that the organiser will need to identify and address as appropriate.

Fireworks, Pyrotechnics, Etc.

It is illegal to operate fireworks in the ACT without a permit from Office of Regulatory Services, WorkCover. The application for a permit must be submitted to WorkCover at least 28 days prior to a planned display.

If fireworks are planned for your event, you are required to have written permission from the venue manager or landowner where the display will take place. You are also required to advise any neighbours who may be affected by the display.

For more information, and to download the relevant permit application forms, visit Office of Regulatory Services, WorkCover website at www.ors.act.gov.au/workcover/webpages/dangsubs/fireworks.htm

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Electricity/Gas Cylinders/Other Hazardous Materials

If your event will be using hazardous materials such as electricity, gas, chemicals and fireworks, it is vital that you seek expert advice about their safe use and storage. Safety procedures should be communicated to all staff, volunteers, contractors and others who could come into contact with the materials.

You should ensure that:

- Reputable suppliers are used;
- Items such as gas cylinders and generators are tested, are in good working order and safely stored;
- Gas cylinder tags are current and clearly displayed;
- Back up plans exist in case equipment such as generators fail;
- All electrical cords and extension leads are tagged and tested;
- Sprinkler systems are not timed to start operating during event - danger to electrical systems.
- Appropriate fire extinguishers are provided, recently tested, and staff are trained in their use and aware of their locations;
- All electrical leads need to be checked and tagged by an electrician;
- Placement of any hazardous material is clearly marked on your site plan;
- A system exists for checking equipment of contractors on site, e.g. Caterers' fire extinguishers must be checked by a qualified technician every 6 months.

It is a good idea to have someone with expertise in working with electricity, gas, etc. present at the event in case of equipment failure or an emergency situation. Often the venue manager or landowner can provide details of someone with experience and knowledge of your event site.

There is more information on the above on the Office of Regulatory Services, WorkCover website at www.ors.act.gov.au/workcover.

Lighting

If your event will be held at night in a dark venue, it is essential to ensure there is enough light to see walkways and exits in case of an evacuation. You should also ensure you have back up generators to provide adequate lighting in case of a black out. It is advisable to have the services of a qualified electrician on site in case problems arise with lighting equipment.

Walk your venue at night to personally view the lighting. This is the best way to assess adequacy of lighting. Some guidance to Australian Standards on lighting is available at

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government websites such as

www.tams.act.gov.au/__data/assets/pdf_file/0017/12545/ds12_publiclighting.pdf.

Australian Standards Organisation guidance to buying Standards is available at www.standards.org.au/cat.asp?catid=4.

Erection Of Structures

Before building any structures at your event, you need to seek permission from the venue manager or landowner. Depending on the structure, you may also need to lodge a building or development application with the ACT Government (www.actpla.act.gov.au/topics/design_build/), or provide certification by an Engineer.

For safety reasons, you should engage the services of persons or organisations with appropriate expertise to build any structures required at your event.

Structures might include:

- Staging
- Amusement Rides
- Lighting Rigs
- Marquees
- Stalls
- Tiered seating stands.

Persons or organisations with appropriate expertise should provide their own public liability and or products liability insurance, and may be able to indemnify major structures constructed by them.

For example, even a minor structure such as a sign may become a serious hazard in a strong gust of wind, if not correctly installed/attached. Wherever possible require suppliers and service providers to provide certificates of currency covering their goods and services.

Fire Safety - The ACTFB views temporary structures as permanent structures for the purpose of fire safety. A requirement to erect temporary structures will need to comply with fire safety requirements. For further information visit www.firebrigade.act.gov.au or telephone ACTFB Risk and Analysis section on 6207 8645.

Sprinkler systems need checking - for danger of damage to underground installations by tent pegs. Consider danger to electrical systems eg sprinkler systems timed to start operating during the event.

Trip hazards - consider tent pegs, cables as potential trip hazards.

Beware of utility services also. Diagrammatic plans of these networks can be obtained by calling "Dial Before You Dig" on 1100 or see www.dialbeforeyoudig.com.au.

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Events On Or Near Water

The AFP (AFP includes a Water Police Unit) should be advised of events on or near the lakes.

Water Police Unit contact details are:

- For all lakes - AFP ph: 6256 7777

Weather

The impact of weather on your event will depend on the activities you are coordinating. It is very important to carefully consider potential weather impacts and to include them in your risk assessment. You should also have in place arrangements to deal with conditions such as:

- Heat - provision of shelter, water. First aid, sun cream, mosquito repellent
- Wind - provision of shelter, and ensuring structures and dangerous items are secure
- Rain - provision of shelter, and protecting leads and wiring
- Hail - provision of shelter,
- Cold - provision of shelter and warmth

In the case of extreme weather it may be necessary to cancel or postpone your event to ensure the safety and security of those present.

So, before the event, you should establish:

- conditions for cancellation/postponement
- who is responsible for deciding to cancel/postpone
- at what time you need to make a decision about cancelling/postponing an event
- how you will advise staff, volunteers, performers and people planning to attend the event of the cancellation/postponement
- contingency plans if the event is still able to go ahead.

This information should be included in your pre-event staff and volunteer briefings as well as in your event documentation.

Check to see if your venue has an existing Emergency Evacuation Plan for weather. This may save you a lot of time and money (why re-invent the wheel).

It is advisable to monitor weather forecasts in the lead-up to your event so you can plan for the predicted weather condition. The Bureau of Meteorology (BOM) is a useful resource, particularly if you plan to hold you event outdoors. It can provide you with long and short-range forecasts. You can also find historical data on the BOM website to assist with the planning and preparation of your event.

For more information about the services provided by the Bureau of Meteorology phone (02) 6247 0411 or visit their website at www.bom.gov.au

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Parents and Friends Event Issues

When organising school events, consideration should be given to managing child safety risks involving bullying, molestation and drugs.

Further Common Hazard Information

"A Guide to Risk Management of Public Events" should be reviewed for further common event hazard information. See -

www.ors.act.gov.au/WorkCover/pdfs/WorkSafe/Guides/Guide_Public-Events.pdf

Traffic and Transport Issues

There are a range of issues you should consider regarding the holding of an Event including:

- Traffic flow
- Road closures
- Public transport
- Parking

You should approach Roads ACT (6207 6601) about any possible traffic and transport issues that could arise as a result of your event activity. This includes setting up (bump-in) and dismantling (bump-out) the event site. Roads ACT will advise you about who you need to speak to and the documentation you may need to provide.

Transport Management Plan

If you anticipate that your event will have an impact on traffic and/or transport then you might be required to develop a transport management plan (TMP) and Roads ACT will advise accordingly. You should work closely with them in preparing the TMP so that you include all relevant information.

The TMP will address all issues associated with traffic and transport at your event including (but not limited to):

- event summary
- contact details
- traffic control plan (describing how you will control the movement of traffic affected by the event activity)
- assessment of risks involved in the control and movement of traffic around the event including occupational health and safety issues
- arrangements for people with a disability

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- details of public liability insurance
- any special approvals required for the event, e.g. from police if the event is a road-race
- evidence that appropriate authorities have been notified about the event
- any alternative route to be taken by traffic during the event
- parking arrangements
- public transport arrangements
- contingency plans
- special event clearways
- the impact of heavy vehicles.

You should begin discussing your TMP with the Roads ACT as soon as practicable but no later than four months before the event

Road Closures

If your event requires the closure of any public roads you will be required to submit a transport management plan.

Reason to close roads include:

- to set up/pack up the event
- the event activity takes place on roads e.g. road-race or marathon
- large numbers of pedestrians are expected
- trucks will be moving large objects
- heavy vehicles will be used.

You should speak to ACT Roads (6207 6601) Roads ACT - www.tams.act.gov.au/move to discuss temporary road closures, parking, traffic control devices and traffic management plans. There is a legal requirement that you give residents affected by road closure at least seven days notice by advertising the closures in local and/or metropolitan newspapers as directed by ACT Roads (this will depend on the impact of the event).

Further information for event organisers is available in the following Roads ACT guide: www.tams.act.gov.au/__data/assets/pdf_file/0019/59005/special_events_handbook.pdf

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Parking

It is important to provide sufficient parking for people attending and working at the event. If your event is not accessible by scheduled public transport it may be necessary to provide hired shuttle bus services and/or additional parking spaces.

If existing parking facilities at the event location are inadequate, consider nearby parking stations. If you need to set up additional parking areas, certified traffic marshals might be required. Remember to provide easily accessible parking spaces close to the event for people with a disability.

When planning where to put parking, ensure you allow access for emergency vehicles. Parking areas and vehicle entrances and exits should be indicated on your site plan and car parking should be communicated to patrons before the event. You may be required to submit a parking plan as part of your transport management plan.

Pedal Power ACT

Pedal Power ACT is a community group that promotes the use of bicycles as a form of transport. They can supply temporary bike racks for your event to encourage patrons to come to your event by bike. (www.pedalpower.org.au)

Public Transport

An event that is serviced by public transport has a number of advantages, including:

- A reduction in congestion on roads around the event
- Fewer parking facilities are required for private cars
- The event is more accessible to people who cannot travel by car.

You should also consider coordinating public transport that is accessible to people with a disability.

If you are holding a large event you should contact the relevant transport agencies to discuss the coordination of transport services to and from your event including designated drop of and pick up zones and changes to traffic conditions. These include:

- ACTION Buses (only in the Australian Capital Territory). ACTION can be contacted on 13 17 10 or see their website at www.action.act.gov.au
- Canberra Cabs on 132 227 - www.canberracabs.com.au
- Cab Express on 6260 6011 - www.cabxpress.com.au
- Silver Service on 6239 3555 - www.silverservicecanberra.com.au
- Elite Taxi Service on 6239 3666 - www.elitetransport.com.au/elite_taxi_service
- Countrylink Rail services on (02) 6257 1576

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- Private Bus services, such as Murrays (132 251), Greyhound Buses (131 499) and Deanes Bus Service (02 6299 3722)

Transport information and regulations can be found on the Territory and Municipal Services website at www.tams.act.gov.au.

Managing Money and Crowds

A security guard service licensed for crowd control and with events experience can provide invaluable expertise to help manage potential risks at your event. It is highly recommended that you consider using security guards at your event if:

- large crowds are expected
- large sums of money will be processed at the event
- there will be alcohol at your event-either for sale or BYO.

Dealing With Money

Whether you are fundraising or running an event for profit, there are money related issues you need to consider, including:

- Gaining a fundraising authority from the ACT Gambling and Racing Commission;
- Making arrangements of collection of money at your event:
- Gate collection - is fencing needed?
- Collecting at dispersed locations - how to secure staff and storage?

Transferring money to a secure location during the event - how often and how best to do this, and where can money be securely stored?

Consideration should be given to:

- contact private company for delivery of gate float and adequate change
- engage experienced personnel for event treasury
- ensure adequate security plan is in place for armed hold-up or robbery

Any staff handling large sums of money at your event must be trained in correct procedures (www.ors.act.gov.au/WorkCover/WebPages/WorkSafe/ohs.htm for more detailed information).

It is advisable to use Security Guards if your event staff will be handling large amounts of money.

You should consider whether you will still make a profit at your event after the necessary money precautions have been put in place. You may decide it is not worth your while to collect money at the event.

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Crowd Management

It is vital to consider crowd management. Even an event with a small attendance can become crowded—it depends on the capacity of the venue/area where the event is held, in relation to the number of people expected.

It may be that an event will only become crowded in particular areas, or at certain times, for example, in front of a stage, or if a VIP arrives in an area that can only hold a small number of people. You should seek advice from the venue manager or landowner about the capacity of the venue/site. You will also need to clearly establish whose responsibility it is to count patrons, if applicable.

If you are expecting large numbers of people it is strongly recommended you employ the services of a professional event organiser to advise you on how to address crowd management issues such as:

- Entry and exits at venues—are they clearly marked and large enough to allow an evacuation if required?
- Stage and barricade design
- Management of a crowd around the stage area
- Provision of sufficient facilities to ensure the health and safety of a crowd
- Sale of alcohol and BYO alcohol
- Use of security guards who are licensed for crowd control
- Communication with event participants
- Potential risks such as overheating, crush, fire, etc.
- Whether you should ticket your event to control crowd numbers.

If you are expecting large numbers of people you will also need to consult emergency services

- Australian Federal Police,
- ACT Emergency Services Agency (esaeventplanning@act.gov.au)

Useful links include:

- ACT Emergency Services Agency - www.esa.act.gov.au
- Australian Federal Police - www.afp.gov.au
- Territory and Municipal Services - www.tams.act.gov.au

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Security Guards

A security guard service licensed for crowd control and with events experience can provide invaluable expertise to help manage potential risks at your event.

It is highly recommended that you consider using security guards at your event if:

- Large crowds are expected
- Large sums of money will be processed at the event
- There will be alcohol at your event—either for sale or BYO

(Note - For most large licensed events, the licensing arrangements will require that a minimum number of security officers be employed, who have been trained in the responsible service of alcohol)

- Protection of assets is needed
- Your risk management planning identifies any other high security risks that are likely to occur at the event.

All security industry masters and employees must be licensed to operate in the ACT.

NOTE - THIS IS IMPORTANT - Security industry employees drawn from interstate or overseas for a particular activity or event must be **licensed in the ACT** before performing duties in the ACT. An interstate security licence **does not** entitle a master or employee to work in the ACT, but will enable the licensee to apply for a mutual recognition licence in the ACT.

If you do contract a security company, it is advisable to:

- liaise with them during the event planning stage
- ask the Security Company to provide a risk assessment of your event
- check the references of the Security Company especially in relation to Crowd Control
- provide written briefs to your Security Supervisors
- request a personal briefing session with Security Supervisors
- insist upon adequate accountability for Security staff attendance (make sure you get what you pay for!!)
- insist upon adequate reporting of incidents

The Office of Regulatory Services is responsible for regulating the security industry in the ACT. For more information about security licensing call Business and Client Registration on (02) 6207 0562 or visit www.ors.act.gov.au/BIL.

Environmental Impact

Will your event have an impact on the environment. Consider the following:

- damage to environment (including grounds)
- excessive noise (eg concerts, burnouts, etc.)
- noxious gases (eg. burnouts)
- high levels of dust (eg. car rally during drought)
- garbage (eg. food and drink wrapping/containers)
- toilet facilities
- cooking oils and similar cooking waste

Environment Impact Issues

You should consider the impact your event will have on the environment, and whether the environment may present hazards for your event.

For example Sprinkler systems

You should check for danger of damage to underground installations by tent pegs, or danger to electrical systems from sprinkler systems timed to start operating during event.

You should also check that grass is cut before the event, to prevent grass from hiding hazards such as hollows, rocks, stakes or similar dangers.

Damage to Environment

Note that liability for repair of damage to infrastructure and the location environment may include refurbishment of damage to parkland and grass verges, for example as a result of vehicle movements and parking.

Noise

It is illegal for offensive noise to emanate from a public place so it is important to carefully consider the impact noise will have on the surrounding environment. Consult with the venue/landowner and local council about managing noise at your event, especially as some venues have maximum noise levels.

If using a public address system you should consider the following:

- Times of use
- Position of speakers
- Direction of speakers

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- Sound checks
- Noise monitoring-who will do this and how?
- Contractual obligation with musicians
- Consider the predominant direction of the wind.

See www.tams.act.gov.au/work/environment_for_business_and_industry or refer to http://www.tams.act.gov.au/_data/assets/pdf_file/0018/13716/noiseepp.pdf

Waste Management

Events can generate huge amounts of waste and it needs to be dealt with efficiently and quickly.

You should consider the following

- Number and location of bins at venue
- Will you require extra bins
- What sort of waste will be produced
- How can you minimise waste produced at your event
- Will you try to do recycling during your event
- Will the bins need to be cleared more than once
- How will you manage waste that is not put into the bins
- How will the waste be disposed of from the site
- How will you manage the waste water produced by food stalls

You can contact ACT NoWaste - www.tams.act.gov.au/live/Recycling_and_Waste for information on waste at events. They can also loan out special bin lids to assist with recycling at events.

If you will be producing waste water or any special waste products you should contact Environment ACT - www.tams.act.gov.au/live/environment and ACT Health Protection Service - www.health.act.gov.au/c/health?a=sp&pid=1053918396 as they will assist you with proper disposal methods.

Refer to ACT Health where cooking oils, kitchen refuse etc is an issue.

Your venue should also be able to assist you with finding suitable waste contractors for you to use during your event.

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Recycling and Waste Management

Consider the impact of waste at your event. For waste and recycling advice, contact ACT NoWaste - www.tams.act.gov.au/live/Recycling_and_Waste/about_ACT_NOWaste

Toilet Facilities

Guidance on providing toilet facilities is available from "SAFE AND HEALTHY MASS GATHERINGS" (see paragraph 33, Page numbered 36) issued by Emergency Management Australia (www.ema.gov.au).

[www.ema.gov.au/agd/EMA/rwpattach.nsf/VAP/\(383B7EDC29CDE21FBA276BBBCE12CD00\)-Manual+12A.pdf/\\$file/Manual+12A.pdf](http://www.ema.gov.au/agd/EMA/rwpattach.nsf/VAP/(383B7EDC29CDE21FBA276BBBCE12CD00)-Manual+12A.pdf/$file/Manual+12A.pdf)

Providing Music and Entertainment

Some of the issues you will need to take into account if you are using performers, live music and/or pre-recorded music at your event are:

- Copyright
- Insurance
- Additional occupational health and safety issues
- Contracts

Below are some of the issues you should address.

Copyright

If you are having live or pre-recorded music (either a recording or music video) at your event, and that music is protected by copyright (as most music is), you will need to obtain a licence at least 72 hours prior to the event.

If there is live music only you will require a licence from the Australasian Performing Right Association (APRA). Recorded music (either a recording or music video) is protected by two types of copyright so if you are using recorded music at your event you will need to obtain a licence from both APRA and the Phonographic Performance Company of Australia (PPCA).

For more information about APRA's Event Licences go to www.apra.com.au/music-users or call (02) 852 388.

For more details about PPCA's licences go to www.pcca.com.au/licensing.htm or call (02) 8569 1111.

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Phonographic Performance Company of Australia

The Phonographic Performance Company of Australia Limited (PPCA) is a national, non-government, non-profit organisation representing the interests of record labels (licensors) and Australian recording artists.

If you intend to broadcast, communicate or play recorded music or music videos publicly then you will require a license from PPCA.

Contact PPCA for further information.

Insurance

You should ensure that performers have insurance to cover their activities while at your event. You should sight their insurance as well as seek professional advice about the insurance you need as the event organiser.

Occupational Health And Safety

You have a duty of care in relation to the health and safety of performers at your event.

During your risk assessment, identify any potential hazards for performers and take steps to minimize those risks.

Remember also that performers may need facilities in which to change their clothes, do their make-up etc.

Contracts

It is advisable to have a written contract with all performers at your event. You should seek professional legal advice about the contents of a performer's contract.

With penalties now imposed for breach of noise by ACT Environment it is advisable to have noise limits with penalty clauses in your contract for performers.

The website of the Arts law Centre of Australia have low cost sample contracts for sale, free information on Arts law and arts insurance, and can provide free legal advice-see www.artslaw.com.au

Event organisers should ensure arts workers are paid correct wages.

The relevant union is the Media Entertainment and Alliance-see www.alliance.org.au

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Funding Suggestions

If you will be raising money at your event your organisation may need to be authorised. Event organisers also have responsibilities in respect of volunteers.

Fundraising

If you will be raising money at your event your organisation may need to be authorised by the ACT Gambling and Racing Commission.

Fundraising can include:

- Requesting donations;
- Requesting sponsorship;
- Running lotteries and competitions;
- Supplying food or other goods and services (e.g. at a fete).

This is not a complete list of activities that constitute for fundraising. For more information see the ACT Gambling and Racing Commission's website.

The *Lotteries ACT 1964* provides for a wide range of lottery-type activities such as trade promotion lotteries, raffles, silver circles and Housie. Generally, a permit is required to conduct these lottery activities. Application fees are applicable and are calculated on the total prize value of the lottery that ACT residents are eligible to win.

Applications are placed in a queue as received and are not processed in order of urgency. A period of 7 working days must be allowed for processing once your application and ALL the relevant data is received.

Application forms and information are available on the Commissions website at: www.gamblingandracing.act.gov.au.

Volunteers

Volunteers can provide invaluable assistance in the coordination and running of an event. Volunteering ACT can assist member organisations with recruitment of volunteers through the volunteer Referral Service. For more details go to www.volunteeract.com.au

Another good way to find volunteers for events is to approach your local service clubs such as Lions Australia - www.lionsclubs.org.au, Rotary in Australia - www.rotary.org.au , and Scouts and Rovers (6258 1554) as well as educational and training institution that offer event courses.

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You need to be aware of your rights and responsibilities in relation to volunteers. These include:

- insurance - professional advice should be sought about the type of insurance you will require to cover volunteer activity. You should also check to ensure that any existing insurance policies cover volunteers. Some you might consider are:
 - volunteers/workers personal accident
- public liability
- motor vehicle
- professional indemnity liability.

For more detailed information about volunteer insurance go to www.volunteeract.com.au

- occupational health and safety - volunteers are entitled to the same safe conditions that are provided to paid employees
- appropriate orientation and training - to ensure volunteers are able to do their assigned job effectively. Note that volunteers serving alcohol at a licensed event must be trained in the responsible service of alcohol.
- Reference, police or other checks - depending on the role assigned to a volunteer (such as working with children) it may be necessary to carry out checks. If checks are relevant, volunteers should always be advised and their permission sought.

For more detailed information about the rights and responsibilities of organisations and volunteers, go to www.volunteeract.com.au or call the Centre for Volunteering (02) 6251 4060.

Sponsorship

Sponsorship can help you secure extra resources and is a great way of involving the business community in your event. Here are some tips to help you seek, secure and keep event sponsors - See Sponsorship Hints at: www.ors.act.gov.au/PublicEvents/pdfs/PublicEvents-Sponsorship.pdf

Administration Issues

To make your event accessible to as many people as possible, you should aim to cater for people with disabilities.

You should always evaluate your event to determine what worked well, what didn't work well and where improvements could be made.

Respecting Australian Indigenous in the form of a traditional welcome is a general practise of special significance.

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Accessibility

To make your event accessible to as many people as possible, you should aim to cater for people with disabilities.

Accessibility considerations include;

- **Event Information:** consider how details of your event are to be communicated to persons with accessible needs. Refer to www.w3.org/TR/WAI-WEBCONTENT/ for website guidelines.
- **Travel to and from the event:** public transport and parking (refer to Transport and Traffic Management)
- If your event is ticketed, consider pension cardholder prices. Also give consideration to whether or not the ticket price includes provision for a carer.
- **Accessible facilities** such as toilets, hearing loops, interpreters for people with hearing impairment (Auslan), seating and sight lines.
- **Accessibility around your event site.** Ensure the width of pathways, entrances and exits can accommodate accessible needs such as including ramps and kickboards (refer to Building Code of Australia and Australian Standards)
- Ensure special consideration for persons with the need to have a guide dog

For more details about accessibility issues related to special events contact:
Department of Disability, Housing and Community Services ACT

- Telephone: (02) 6207 1086 TTY: (02) 6205 0888

ACT Council of Social Services ACTCOSS can assist you with the formation of policy and procedures to make your event accessible to the whole community.
See: (www.actcoss.org.au)

Documentation

Ensure accurate and detailed records are maintained, this includes in the lead up to and during the event.

Documents to consider;

- Event project plan and/or timeline
- Meeting schedules, agendas and minutes
- Filing systems (soft and hard copies)
- Booking forms and applications (as required)
- Budget (income and expenditure) records

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- Contracts and agreements
- Key dates register
- Key contact list/register
- Event running sheets
- Event briefing notes
- Event Induction Manuals
- Volunteer Manuals
- Risk Assessment and Risk Management Plan
- Event Operational Plan
- Emergency Response Plan
- Traffic Management Plan
- Event site plans and maps

Evaluation

Even though the event might be over, you should not forget to complete an evaluation of your event. You should always evaluate your event to determine what worked well, what didn't work well and where improvements could be made.

Your event evaluation may involve a visitor survey, survey of sponsors, obtaining feedback from stakeholders and sponsors.

It is also recommended that you undertake an event debrief soon after your event. The debrief should involve members of your event organising committee as well as contractors, authorities and key agencies such as emergency services and police.

Depending on your budget you may contract a professional agency to complete an event evaluation.

Welcome to Country

Respecting Australian Indigenous in the form of a traditional welcome is a general practise of special significance.

The welcome can be in the form of a formal or informal address or ceremony by a local elder from a recognised Aboriginal community. Refer to Aboriginal Tourism for further information.

For more information you can contact the Indigenous Arts Officer with "artsACT" (www.arts.act.gov.au)

A Guide to Organising Public Events in the ACT

Who else can you talk to?

Other Event Organisers

There are plenty of events in the ACT ranging in size, scope and genre. It is useful to contact them if you need assistance in anything as they will probably know the answer.

You can also contact event organisers in:

- Australian Capital Tourism (www.tams.act.gov.au/play/tourism)
- Events Section (TAMS) - (www.tams.act.gov.au/play/community_events)
- Chief Minister's Department (www.events.act.gov.au)
- National Capital Authority (www.natcap.gov.au/events_and_venues/)

A Guide to Organising Public Events in the ACT

Notes

A series of horizontal dashed lines for taking notes, spanning the width of the page.

A Guide to Organising Public Events in the ACT

A Guide to Organising Public Events in the ACT

A series of horizontal dashed lines for writing, spanning the width of the page.

Level 3, Callam Offices
Easty Street
WODEN ACT 2606

www.ors.act.gov.au

GPO Box 158
Canberra City ACT 2601

Ph. 6207 3000

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E-mail: ors@act.gov.au



OFFICE OF REGULATORY SERVICES
DEPARTMENT OF JUSTICE & COMMUNITY SAFETY



OUTDOOR CONCERT NOISE

ENVIRONMENT PROTECTION POLICY

February 2001



AUSTRALIAN CAPITAL TERRITORY
GOVERNMENT

OUTDOOR CONCERT NOISE ENVIRONMENT PROTECTION POLICY

OUTDOOR CONCERT VENUE ENVIRONMENT PROTECTION POLICY

NOTE: This Environment Protection Policy (EPP) will be notified as an amendment to the Noise EPP and will form Schedule 2 to that EPP. An abridged Glossary of Terms for the Noise EPP has been attached to assist in reading this document. Terms used in the Policy which are defined in Schedule 2 of the *Environment Protection Act 1997* are in **bold**. Additional terms defined in the Policy are underlined.

1. Background and Application

Open-air entertainment, including amplified **concerts** has social and cultural value. However the amplification of voice and instrumental music, together with applause and other audience response, can result in excessive and even offensive noise at neighbouring or nearby premises, particularly where these are residential premises.

While a number of steps can be taken to reduce the adverse impact of concert noise, such as the location of the stage, direction of the speakers and the reduction in low-frequency (bass) sounds, the noise levels may still be considered as intrusive. Noise in excess of the **zone noise standard** can be expected at outdoor **concert venues** capable of providing the facilities required for such significant community events within the ACT.

This Policy has been developed to balance the need to provide adequate protection to the amenity of neighbouring residents from outdoor **concert** noise with the rights of the broader community to enjoy significant events in accordance with the objects of the *Environment Protection Act 1997* (the Act).

A number of **concert venues** with sufficient facilities and infrastructure necessary to conduct significant outdoor **concerts** exist within the ACT. A broader approach is required to ensure a balance between community expectations and protection of environmental standards.

The Act and this Policy empower the EMA to grant **environmental authorisations** for unlimited periods for the following major venues:

OUTDOOR CONCERT NOISE ENVIRONMENT PROTECTION POLICY

- Bruce Stadium; and
- Exhibition Park in Canberra.

2. Single Event Authorisations

Applications for authorisations to conduct single outdoor concert events will be considered for other public venues capable of holding more than 2,000 persons. These **environmental authorisations**, which will permit single outdoor concert events will contain conditions consistent with this Policy.

Outdoor concert venues capable of holding fewer than 2,000 people do not require an environmental authorisation but must comply with zone noise standards under the *Environment Protection Act 1997*

Standard environmental authorisations have been granted for the conduct of outdoor **concerts** at various existing venues in Canberra. Conditions in the environmental authorisations are set having regard to historical use and the likely impact on residential amenity in the vicinity of the venues.

3. Compliance Location

The major adverse environmental impact from noise from outdoor concerts is on residential areas located in the vicinity of the outdoor **concert venue**.

The purpose of this Policy is to limit the **environmental harm** potentially caused by noise from outdoor concerts. To take due account of economic and social considerations, a **compliance location** is established for each venue. This **compliance location** is in or near existing residential properties most affected by the noise. The **compliance location** may be varied to take into account special noise-sensitive premises, for example hospitals.

Concerts at existing outdoor **concert venues** are generally unable to comply with **zone noise standards** at their lease boundaries.

OUTDOOR CONCERT NOISE ENVIRONMENT PROTECTION POLICY

Environmental authorisations which permit outdoor **concert events** to emit noise in excess of the **zone standard** will specify the relevant **compliance location** and conditions relating to the noise the **events** may generate at that location as conditions of the authorisation.

4. Measures to Limit Adverse Environmental Impact

A number of factors contribute to the degree of adverse impact on residential areas from noise emitted during outdoor **concert events**:

- the level and nature of the noise;
- the number of **events** each year;
- the time at which the **event** takes place;
- the spread of **events** during the year; and
- the amount of warning ("prior notification") provided to residents about upcoming **events**.

The Policy deals with each of these factors. The proposed measures have been developed to provide certainty both to people undertaking outdoor **concerts** in venues capable of holding more than 2,000 persons and to the people affected by the noise from such activities. The conditions described below will be applied only to **events** which generate noise in excess of the **zone noise standard** at the **compliance location**. There are no restrictions on **events** which do not exceed the **zone noise standard** as defined in the Act and Regulations.

4.1. Level of the noise

Restrictions in this Policy on the level of noise from outdoor concerts at the **compliance location** are expressed as **dB(A)** above the **noise trigger level** applying at the **compliance location**. The noise trigger level for outdoor concerts will be 50 dB(A) (L_{A10T}).

In general, the greater the amount by which noise exceeds the **noise trigger level**, the greater the **environmental harm** caused. The Policy permits noise levels which exceed the **noise trigger level** by

OUTDOOR CONCERT NOISE ENVIRONMENT PROTECTION POLICY

varying amounts, but requires a reduction in the total number of events held if noisier events are to be held. This balancing of factors is achieved through the event credits scheme outlined in Section 4.2 below.

The EMA will not authorise an event that is likely to produce noise which exceeds 65 dB(A) (L_{A10T}) at the **compliance location** for 15 minutes or longer.

Outdoor **concerts** will be required to finish by 11 pm. On New Year's Eve, events are permitted without **environmental authorisations** between 6 pm on 31 December and 12.30 am on 1 January, provided noise levels do not exceed 60 dB(A) (L_{A10T}) at **compliance locations**.

An **environmental authorisation** will be required on New Year's Eve for noise greater than 60 dB(A) but less than 65 dB(A) (L_{A10T}). Authorised events on New Year's Eve must finish by 12.30 am on 1 January.

Sound tests other than rehearsals [see Section 4.3] may be conducted for a maximum period of 60 minutes between the hours of 9.00 am and 6.00 pm.

The use of public display fireworks at outdoor concerts must be completed by 10 pm except on New Year's Eve where the fireworks display must be completed by 12.30 am on 1 January.

The noise from the fireworks will be excluded from the event's noise monitoring.

4.2. Number of events each year

Each outdoor **concert venue** will be allocated a certain number of event credits each year. The year is defined as 1 July to 30 June. Event credits will be needed for any event which generates noise above the noise trigger level at the **compliance location**. A number of event credits may be needed to hold an event, depending upon the event's duration and the noise level generated.

The number of event credits allocated to each venue annually is calculated to enable a balance between protecting residential amenity and permitting outdoor concerts that are enjoyed by a substantial section of the community.

OUTDOOR CONCERT NOISE ENVIRONMENT PROTECTION POLICY

The number of event credits shown below is the total number available for each venue for all events (including outdoor concerts) which require event credits.

Outdoor Concert Venue	Number of event credits per annum
Bruce Stadium	10
Exhibition Park in Canberra	10

4.3. The Use of Event Credits

One event credit will be needed for every 5 dB(A) by which event noise exceeds the noise trigger level.

The effect of exceeding the noise trigger level and extending beyond 4 hours has a cumulative effect on the use of event credits.

Events which extend beyond 4 hours require two event credits. Three event credits are required if the duration of an event exceeds 8 hours, and so on.

Individual rehearsals will be treated as an event under this Policy and may not exceed two hours in duration.

Examples

An event which runs from 1 pm to 4 pm and exceeds the noise trigger level by 5 dB(A) will require 1 event credit.

An event which runs from 6 pm to 11 pm and exceeds the noise trigger level by 15 dB(A) will require 6 event credits.

An event which runs from 9 am to 6 pm and exceeds the noise trigger level by 10 dB(A) will require 6 event credits.

The actual event credits used by a particular event will be deducted from the annual total for the particular **concert venue** immediately after the event is held.

An event will not be permitted unless the balance of event credits for the particular **concert venue** is more than, or equal to, the number of event credits still

OUTDOOR CONCERT NOISE ENVIRONMENT PROTECTION POLICY

available for all events which have been advertised for the **concert venue**.

If the actual number of event credits used by an event do exceed the balance remaining for the **concert venue**, the excess will be deducted from the next year's allocation of credits and no further events will be permitted at the **concert venue**. Any unused event credits at the end of the year do not accrue to the next year.

OUTDOOR CONCERT NOISE ENVIRONMENT PROTECTION POLICY

4.4. Spread of events during the year

Authorisations will contain the following limits to ensure a reasonable spread of events at a facility:

- no more than six event credits may be used in any six week period;
- events conducted on days other than a Friday or Saturday will be restricted to three events per year.

4.5. Prior Notification

Prior notification of upcoming events assists residents affected by noise from outdoor concerts to organise their activities to minimise the adverse impact of that noise.

Authorisation holders for Bruce Stadium, Exhibition Park in Canberra and most other locations will be required to advertise, in a daily newspaper circulated in the affected area, any upcoming events at least eight weeks in advance of the event.

For other locations where there are only a relatively small number of **affected occupiers**, the authorisation may provide for direct notice to these persons.

Authorisations will also include a condition that the **EMA** be provided with a copy of the newspaper advertisement and/or notice to **affected occupiers** not later than two working days after the advertisement appeared in the newspaper or the notice was delivered to **affected occupiers**.

Authorisations may provide that, in advertising an upcoming event, the authorisation holder may nominate an alternate date for the event if the original date of the event is cancelled. Should the original event be cancelled for this reason, an equivalent event can be held on the alternate date with no additional cost in event credits.

Where the authorisation holder wishes to cancel an event, the authorisation may provide that event credits will be reinstated if the cancellation is advertised at least two weeks before the event was due to be held.

OUTDOOR CONCERT NOISE ENVIRONMENT PROTECTION POLICY

The authorisation will provide that the **EMA** be advised within two working days of the placement of any advertisement notifying this type of cancellation.

Where an event is cancelled due to factors beyond the control of the authorisation holder, the authorisation may provide that event credits will be reinstated. The authorisation will require that the **EMA** be advised immediately of cancellation and may impose requirements to advise **affected occupiers**.

5. Demonstrating Compliance

Authorisation holders will be required to demonstrate that the outdoor **concert events** they hold comply with the conditions of their authorisation by monitoring events and making the results available to the **EMA**.

Alternatives to monitoring at the **compliance location** may be acceptable where it can be shown that the alternative unambiguously demonstrates compliance at the **compliance location**. For example, monitoring inside the **concert venue** at selected locations could be an acceptable alternative provided that it can be shown by a noise expert, using modelling and confirmed by field tests, that a reproducible relationship exists between noise levels at those selected locations and, those at the **compliance location**.

OUTDOOR CONCERT NOISE ENVIRONMENT PROTECTION POLICY

6. Glossary Of Terms

The definitions of the terms listed in this Glossary are provided to assist in reading this EPP. For the formal legal definition of the terms marked with an asterisk (*), refer to Section 4 of the Act and for those marked with a ♦, refer to Regulation 3.

Term	Definition
affected occupier ♦	The occupier of land, including or any person lawfully on unleased or public land, which is subject to excessive noise.
compliance location ♦	The location at which noise from an activity must not be excessive.
dB(A)	The abbreviation dB represents decibels, the logarithmic unit of measurement of sound pressure level. The dB(A) is the sound pressure level obtained with a sound level meter using an A-weighted electrical filtering network, which approximates the frequency response of the human ear.
EMA*	Environment Management Authority - a statutory office established under Part II of the Act to administer the Act.
environmental authorisation*	A form of licence to conduct an activity which has a significant potential to cause environmental harm.
environmental harm*	Any impact on the environment as a result of human activity that has the effect of degrading the environment (whether temporarily or permanently).
EPP*	Environment Protection Policy
event	An "event" is the conduct of an outdoor concert, using amplifying equipment, in a venue capable of holding more than 2,000 persons. "Event" also includes rehearsals.
event credit	A unit used in the Outdoor Concert Noise EPP to determine how many events, under specified conditions, can be held at an outdoor concert venue.
excessive noise ♦	The noise from an activity which exceeds the zone noise standard, or a different standard where that standard is specified in an environmental authorisation or approval, at the applicable compliance location.
L_{A10T}	The dB(A) level exceeded for 10% of the specified time period T and is often used as the descriptor for a noise under investigation. It is similar to the average of the maximum noise levels.
noise expert	An accredited acoustical consultant, experienced in environmental noise assessment, who is a member of the Australian Acoustical Society.
noise trigger level	The noise level above which event credits will be used. For outdoor concerts the noise trigger level will be 50 dB(A) (L_{A10T}).
noise zone ♦	A parcel of land determined by land use policies in the

OUTDOOR CONCERT NOISE ENVIRONMENT PROTECTION POLICY

Term	Definition
	Territory Plan to which a single zone noise standard applies. Table 1 of Schedule 2 of the Regulations defines noise zones.
rehearsal	A performance beforehand for the purpose of practice or drill which uses the main speaker system.

OUTDOOR CONCERT NOISE ENVIRONMENT PROTECTION POLICY

Term	Definition
sound test	The testing of sound levels and the acoustic properties of an outdoor concert venue for the purposes of obtaining information of the likely impact of concert noise at the compliance location.
zone noise standard♦	The maximum level of noise as measured at the applicable compliance location which may be generated by an activity being undertaken in the relevant noise zone. Table 1 of Schedule 2 of the Environment Protection Regulations defines zone noise standards.

ACTION SHEET

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artsACT

Inquiry into live community events

Date Due to Director: 06/08/09

Record Number: C1659/09

Contact Officer: Nigel

External Ref:

Date: 4/3/09

Comment:

Please provide summary response
of our IDC / conc interest
enquiry for next 6-12 month
class

Date: 5/8/09

Comment:

Ann,
Simple letter
Brief Brief

N

Date: 1/1/

Comment:

Extension until 20/8/09.

Date: 11/8/09

Comment:

Ann,
Good letter
a few minor edits

N

Date: 2/8/09

Comment:

Notes
to be
considered

Date: 1/1/

Comment

Date: 1/1/

Comment:

Date: 1/1/

Comment



Katy Gallagher MLA
DEPUTY CHIEF MINISTER
TREASURER
MINISTER FOR HEALTH
MINISTER FOR COMMUNITY SERVICES
MINISTER FOR WOMEN

COPY

MEMBER FOR MOLONGLO

Ms Mary Porter
Chair
Standing Committee of Planning, Public Works
and Territory and Municipal Services
GPO Box 1020,
Canberra ACT 2601

Dear Ms Porter

Thank you for your letter of 23 July 2009 to the Chief Minister, Jon Stanhope MLA, regarding the inquiry into Live Music Events being undertaken by the Standing Committee on Planning, Public Works and Territory and Municipal Services. I am responding on behalf of Mr Stanhope as he is currently on leave.

Live music is an important component of the cultural life of the ACT community and live concerts and performances are pivotal in helping Australian performers showcase their talents, hone their skills and earn an income.

The ACT Government has a number of ways in which it provides support to artists and organisations to stage live music events. The ACT Arts Fund is one of the main ways the ACT Government supports the arts in the ACT. In the 2009 Project and Community Arts Funding rounds, \$970,000 in funding was provided to support over 70 individual artists, arts groups, and community organisations to undertake one-off arts projects. This included organisations wishing to stage live music concerts and festivals. The ACT Arts Fund also provides significant support to ACT Key Arts Organisations which provide venues, infrastructure and advice to assist with the delivery of live music events in the ACT.

In addition to the ACT Arts Fund the Government provides support to live music events through other initiatives including the ACT Festivals Fund, Health Promotions Sponsorships and Youth Interact Grants. The Government also supports venues used for live music events such as the Albert Hall and the new outdoor performance space being built at Tuggeranong.

The Government also supports the local music industry through its programs of free live music performances in Civic known as 'Groovin' in Garema', and right across Canberra as a part of Urban Parks and Places' 'round town' events. Paid local musicians also form an important part of the other community celebrations such as New Years Eve and Party in the Park.

Regulations controlling the hosting and performance of live music are in place to ensure the safety and amenity of the public, patrons, performers and venue operators. However, they can also present barriers to growing a live entertainment industry. It is important that there is a balance between protecting local amenities whilst encouraging a vibrant music sector.

The issue is one being experienced by all Australian states and territories and the Cultural Ministers Council (CMC) has made contemporary music performance a priority. It has established a Working Group on Contemporary Music Development to look at ways to encourage contemporary music practice across Australia and has commissioned the writing of a best practice guide for the development of a legislative and regulatory environment supporting live music and entertainment. The report will be considered by the CMC at its meeting in October 2009. This report can be made available to the Standing Committee when it has been approved.

In July 2008 the Chief Minister wrote to the Minister for Planning, the Minister for Territories and Municipal Services, and the Minister for Justice and Community Safety stating that he wished to investigate legislative and/or regulatory action to reduce barriers to live music performance in the ACT. While the ACT Government and various government departments have considered these issues for a number of years, particularly in relation to noise issues associated with live music events, there has not generally been a co-ordinated approach.

To address this, the Chief Minister's Department has established an Interdepartmental Committee (IDC) to examine the reduction of barriers to the production of live music in the ACT. The IDC met for the first time on 18 August 2009 and agreed to the following terms of reference:

- consider the barriers which exist to the production of live music in the ACT in particular in relation to legislation and regulation;
- examine ways in which the barriers to the production of live music in the ACT could be reduced; and
- develop a cabinet submission which addresses these issues.

The issues paper presented to the first IDC meeting which provides additional information on the matters to be considered by the IDC. If the Standing Committee would like any further information on the IDC please contact Nigel Featherstone, Manager, Arts Development, artsACT on 6207 2381.

I wish the Standing Committee well in its deliberations and I look forward to the outcome of the inquiry when it is presented to the Legislative Assembly.

Yours sincerely

Katy Gallagher
Katy Gallagher MLA
Acting Chief Minister

INTERDEPARTMENTAL COMMITTEE ON THE REDUCTION OF BARRIERS TO THE PRODUCTION OF LIVE MUSIC IN THE ACT

ISSUES PAPER

Live music is an important component of the cultural life of the ACT community whether it is a band playing at a nightclub or an outdoor community festival. Live concerts and performances are also pivotal in helping Australian performers showcase their talents, hone their skills and earn an income.

Regulations controlling the hosting and performance of live music are in place to ensure the safety and amenity of the public, patrons, performers and venue operators. However, they can also present barriers or impediments to growing a live entertainment industry. It is important that there is a balance between protecting local amenities whilst encouraging a vibrant music sector.

The Standing Committee on Planning, Public Works and Territory and Municipal Services Inquiry into Live community Events

On 25 February 2009, the Assembly referred a number of issues in relation to the support of live music and events in the community to the Standing Committee on Planning, Public Works and Territory and Municipal Services for inquiry and report on the first sitting day in October 2009. The Terms of Reference for the Inquiry into Live Community Events is at **Attachment A**.

The terms of the Inquiry address many of the same issues that will be looked at the by the IDC and it is possible that the Inquiry may make recommendations that the IDC further investigates matters raised at the Inquiry. The public comments received by the Inquiry will also be relevant to the IDC.

Cultural Ministers Council

In 2006, the Cultural Ministers Council agreed to make contemporary music a priority and established the Working Group on Contemporary Music Development. The Working Group is looking at ways to encourage contemporary music practice across Australia and has commissioned the writing of a best practice guide for the development of a legislative and regulatory environment supporting live music and entertainment. In developing the report, the consultant has identified a number of recommendations which could be actioned by individual States and Territories to support live music. The report will be considered by the CMC at its meeting in October 2009.

The CMC also agreed that all Arts Ministers would write to their colleagues with responsibilities licensing and planning issues. In July 2008 the Chief Minister wrote to the ACT Ministers for Planning, Territories and Municipal Services, and Justice and Community Safety indicating that he wished to investigate legislative or regulatory action to reduce barriers to live music performance in the ACT. Copies of these letters are at **Attachment B**.

Review of live music held in 2004

Following discussion in the Legislative Assembly in 2004, meetings with key stakeholders in the live music sector were held to discuss issues facing the sector. The main issues for the sector were identified as:

- the need for a music association to represent, advocate and disseminate information to the live music sector; and
- the need to examine current noise regulation and attenuation practices to ensure that the operations of live music venues are not being unduly impacted.

No specific actions arose from the meetings.

Issues which are relevant to the reduction of barriers to the production of live music in the ACT

The following issues have been identified by the above reviews as being relevant to the reduction of barriers to the production of live music:

Live music objectives in liquor licensing legislation

Live music and entertainment venues require a liquor licence for the sale of alcohol, often an important factor in the financial viability of the venue. A considerable amount of live music is provided as an ancillary activity in existing licensed venues such as hotels, clubs and restaurants. A reference to live music in the aims or objects of liquor legislation can provide recognition of the value of the live music industry. NSW has recently made significant changes to their liquor licensing legislation. See **Attachment C**.

Order of Occupancy Considerations

Order of Occupancy principles allow regulators to consider the order of occupancy between a venue and a residence when any changes, such as structural alterations in either premises or the activities conducted in licensed premises, are being considered.

Noise Complaints

Noise issues can be divided into two areas: noise regulation and noise attenuation.

- Noise Regulation refers to the legal framework that establishes and enforces appropriate noise levels. A number of noise zones have been established across the ACT with differing levels of noise allowable at different times of day.
- Noise Attenuation refers to the construction or refurbishment of buildings or other structures to limit the passage of noise. Noise attenuation can be introduced to a music venue to prevent noise escaping, or to another space, such as a restaurant or apartment complex, to prevent noise entering.

Consideration of primary purpose and ancillary purpose.

The differentiation between primary purpose dedicated entertainment spaces, such as nightclubs, cinemas, theatres, and auditoriums, which require an appropriate level of fire safety and planning process, and spaces such as hotels or restaurants where the provision of entertainment is secondary can make live music more economically viable.

Investigating measures to support live music and entertainment in town planning

Various capital cities have introduced measures designed to manage issues related to entertainment venues and late-night trading of licensed premises in the form of precincts and zoning under liquor and local government legislation and development control plans.

Entertainment industry agents, managers and venue consultants

Regulation of entertainment industry agents, managers and venue consultants has the potential to improve the viability of the industry through better management practices.

Provision of suitable advertising spaces

The posting of flyers in public places is an important advertising tool for many musicians and venues but can lead to issues in relation to vandalism and littering.

Employment of minors working as performers

The clarification of conditions for minors to work as performers in licensed premises may protect young performers while promoting their access to venues.

Dissemination of information about legislation and regulation in relation to live music

The provision of clear and readily available information to venues, performers, managers and the community is critical to supporting live music performance.

Public Liability Insurance

The cost of Public Liability insurance can be prohibitive for individuals and organisations seeking to hold community events and performances in non-traditional venues.



C1659/09

39

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY
**STANDING COMMITTEE ON PLANNING, PUBLIC WORKS
AND TERRITORY AND MUNICIPAL SERVICES**

Mary Porter AM MLA (Chair), Caroline Le Couteur MLA (Deputy Chair), Alistair Coe MLA

Mr Jon Stanhope MLA
Minister for the Arts and Heritage
Legislative Assembly for the ACT
GPO Box 1020
Canberra ACT 2601



Dear Chief Minister,

Inquiry into Live Community Events

I am writing to advise you that at its meeting on Wednesday 25 February 2009 the Assembly referred the issue of supporting live music and events in our community to the Standing Committee on Planning, Public Works and Territory and Municipal Services for inquiry and report by the first sitting day in October 2009. The terms of reference for this inquiry are attached.

The Committee invites you to make a submission to this inquiry. The closing date for submissions has been set at 31 August 2009.

If you would like any further information the Secretary, Nicola Derigo, can be contacted on ext 50435.

I look forward to your response and to receiving the Government submission to this inquiry.

Yours sincerely

Ms Mary Porter MLA
Chair
23 July 2009



Jon Stanhope MLA

CHIEF MINISTER

MINISTER FOR TRANSPORT MINISTER FOR TERRITORY AND MUNICIPAL SERVICES
MINISTER FOR BUSINESS AND ECONOMIC DEVELOPMENT
MINISTER FOR INDIGENOUS AFFAIRS MINISTER FOR THE ARTS AND HERITAGE

MEMBER FOR GINNINDERRA

Ms Mary Porter
Chair
Standing Committee of Planning, Public Works
and Territory and Municipal Services
GPO Box 1020,
Canberra ACT 2601

Dear Ms Porter

Thank you for your letter of 23 July 2009 concerning the inquiry into Live Music Events being undertaken by the Standing Committee on Planning, Public Works and Territory and Municipal Services.

Live music is an important component of the cultural life of the ACT community and live concerts and performances are pivotal in helping Australian performers showcase their talents, hone their skills and earn an income.

Regulations controlling the hosting and performance of live music are in place to ensure the safety and amenity of the public, patrons, performers and venue operators. However, they can also present barriers to growing a live entertainment industry. It is important that there is a balance between protecting local amenities whilst encouraging a vibrant music sector.

The issue is one being experienced by all Australian states and territories and the Cultural Ministers Council (CMC) has made contemporary music performance a priority. It has established a Working Group on Contemporary Music Development to look at ways to encourage contemporary music practice across Australia and has commissioned the writing of a best practice guide for the development of a legislative and regulatory environment supporting live music and entertainment. The report will be considered by the CMC at its meeting in October 2009. I would be happy to make this report available to the Standing Committee when it has been approved.

In July 2008 I wrote to the Minister for Planning, the Minister for Territories and Municipal Services, and the Minister for Justice and Community Safety stating that I wished to investigate legislative and/or regulatory action to reduce barriers to live music performance in the ACT.

Subsequently, the Chief Minister's Department has established an Interdepartmental Committee (IDC) to examine the reduction of barriers to the production of live music in the ACT. The IDC met for the first time on 18 August 2009 and agreed to the following terms of reference:

- consider the barriers which exist to the production of live music in the ACT in particular in relation to legislation and regulation;
- examine ways in which the barriers to the production of live music in the ACT could be reduced; and
- develop a cabinet submission which addresses these issues.

If the Standing Committee would like any further information on the IDC please contact Nigel Featherstone, Manager, Arts Development, artsACT on 6207 2381.

I wish the Standing Committee well in its deliberations and I look forward to the outcome of the inquiry when it is presented to the Legislative Assembly.

Yours sincerely

Jon Stanhope MLA
Chief Minister

Robinson, AnneK

From: Robinson, AnneK
Sent: Thursday, 27 August 2009 1:13 PM
To: Derigo, NicolaT (LA)
Cc: Featherstone, Nigel
Subject: RE: Interdepartmental committee on live music

Attachments: IDC TOR and membership.doc

Hi Nicola

Please find attached the Terms of Reference and membership for the Interdepartmental Committee on the Reduction of Barriers to the Production of Live Music in the ACT as agreed at the IDC's first meeting on 18 August.

I will be out of the office on Friday but please give me a call next week if you need any further information.

Anne Robinson
 Arts Development Officer for Community Arts and Music
 artsACT

Phone: 6207 2378

Email: annek.robinson@act.gov.au

Address: Level 4, Nara Centre, 1 Constitution Ave, Canberra City ACT 2602



IDC TOR and
 membership.doc (32.

From: Derigo, NicolaT (LA)
Sent: Thursday, 27 August 2009 10:34 AM
To: Robinson, AnneK
Subject: Interdepartmental committee on live music

Dear Anne

You contacted me a while ago regarding the interdepartmental committee on live music that was being established. You also indicated at that time that the interdepartmental committee would be meeting on 18 August. I was wondering if the committee had finalised its name, terms of reference and if you could let me know the membership of that committee?

I realise that information on the interdepartmental committee may also be contained in a Government Submission to this committee; however any information you can provide would greatly assist the Planning, Public Works and Environment Committee in its Inquiry into Live Community Events.

Thanks
 Nicola Derigo

Nicola Derigo | Secretary | Standing Committee on Planning, Public Works and TAMS | ACT Legislative Assembly Secretariat | Ph: 02 620 50435 | Fax: 02 620 50432 | Email: nicola.derigo@parliament.act.gov.au
 Please provide us with some feedback on your participation in the Committee process by taking part in our short online survey: [Click Here to take survey.](#)

Robinson, AnneK

From: Featherstone, Nigel
Sent: Friday, 21 August 2009 3:39 PM
To: Robinson, AnneK
Subject: RE: Embargoed Press Release on Music Use & Illicit File Sharing
Follow Up Flag: Follow up
Flag Status: Red

Anne,

Thanks. One for the Music IDC file!

Regards,

- Nigel

Nigel Featherstone
Manager, Arts Development

artsACT
Chief Minister's Department
ACT Government
02. 6207 2381
0402 783 730

From: Robinson, AnneK
Sent: Tuesday, 18 August 2009 4:37 PM
To: Featherstone, Nigel
Subject: FW: Embargoed Press Release on Music Use & Illicit File Sharing

Nigel
You might find this intersting
Anne

From: Phil Tripp [mailto:tripp@immedia.com.au]
Sent: Tuesday, 18 August 2009 4:17 PM
To: Robinson, AnneK; chris.bowen@arts.qld.gov.au; David.Edgar@arts.tas.gov.au;
Jonathan.Williamson@dpc.vic.gov.au; k.lidbetter@ozco.gov.au; Matasha.McConchie@environment.gov.au;
renee.zaffino@dca.wa.gov.au; Salomon.Angela@dpc.sa.gov.au; stephanie.hawkins@nt.gov.au;
VICTORIA@arts.nsw.gov.au
Subject: Embargoed Press Release on Music Use & Illicit File Sharing

Embargoed Press Release Embargoed to Thursday August 20 6 am

These are the published results of the Music Survey that is detailed below and is fine for publication in Thursday newspapers, blogs and online as well as talk radio, TV, etc on that day. We can arrange interviews with our keynote speakers outlined at the bottom of the release if you wish. They are

- * Gerd Leonhard--Author of "The Future of Music", "Music 2.0" and media futurist
- * Kevin Bermeister--Founder of Kazaa and head of Altnet
- * Jeff Price--CEO of TuneCore, world's largest distributor of online music for artists and labels
- * Jon Satterley--Senior VP New Media & Global Business Development of Roadrunner Records
- * Brent Grulke--Creative Director of South by Southwest Music Conference and Festival

MUSIC DOWNLOADS & PHYSICAL PRODUCTS, PIRACY & MOBILE MUSIC SURVEY RESULTS REVEALED

At the opening of the 9th biennial AustralAsian Music Business Conference August 20-22, 2009, AMBC producers IMMEDIA! have released the fascinating and sometimes alarming statistics of music use piracy and mobile music from over 2000 respondents to a wide ranging online music survey. Industry, government and artist attendees at the event, which features over 50 speakers and nine seminars, will debate the results as part of the programme looking at The Future of Music.

Conducted online at www.TheMusic.com.au the questions explored types of physical music purchased, playback equipment, mobile music trends, downloads and peer to peer file sharing as well as live music. There were 2240 respondents to the 40 questions in the three week survey July 10-30, 2009.

The gender mix was 63% male and 37% female and 50% worked in the music industry of which many were musicians, singer/songwriters, composers, managers, marketing and promotion professionals, journalists and radio--but avid music consumers. The other 50% categorised themselves as non-industry music fans. 22% were either presently students or attended school in the past year.

How they primarily listened to music? Only 7% listened to music via AM or FM radio. 32% listened to music on their computer with speakers or headphones. 21% used a digital music player through a stereo system. 22% used a digital music player with headphones. 16% used a physical product player such as CD or turntable while only 1% primarily listened through streaming radio.

PHYSICAL PRODUCT

What physical music product (CDs, Music DVDs and Vinyl) do they buy? 72% of respondents purchased CDs in the past year, 36% bought vinyl, and 54% purchased one or more Music DVDs.

CDs 28% did not buy a CD in the past year, 31% bought less than 10 CDs, 22% bought between 10-20 CDs, 11% bought between 21-50 CDs, 2% bought 50-99 and 6% bought between 100-500 CDs.

Vinyl 68% did not buy vinyl, 22% bought 1-10 vinyl records, 8% got 11-50 and 1% between 100-150.

Music DVDs 35% bought no Music DVDs, 42% bought 1-5 Music DVDs, 16% bought 6-26 and .1% bought 30-50 with only one respondent buying 100 or more. But 56% borrow CDs from friends to rip into digital files for their own use.

Where do they buy their CDs or physical music product? Of the purchases in Australia, 16% are from department or electronic retailers, 15% from online CD/DVD

retailers 3% from other retailers and 58% from traditional record retailers.

Have they purchased music from overseas physical music outlets in the past year? 39% bought CDs from Amazon.com or other overseas online physical music suppliers.

WHAT MUSIC PLAYBACK GEAR THEY USE

88% of respondents owned a digital music player (non CD): 42% had one, 32% had two, 13% had three and 13% had four or more.

42% had iPods, 21% used an iPhone as a digital player, 10% used a Shuffle, 16% used a Nano.

1.1% used a Zune while 34% used other non Apple players and a whopping 27% used a non Apple phone as a digital player.

52% have and use a vinyl turntable and surprisingly 32% use a tape device for replay as well.

73% used a computer for music playback of which 41% used an Apple, 58% used a PC and .2% used a Unix or Linux O/S

DIGITAL DOWNLOADS

Do they purchase music from a digital store? 62% have bought from an online store in the past year.

The Australian online music stores they used in the past year: In digital purchases, 69% bought music from iTunes Australia, 8% from Big Pond Music, 4% from Sony's Bandit, 2% from ChaosMusic, 3.5% from the newly opened Nokia Comes with Music store, 1% from Vodafone's Music Station, .03% from EMI's Musichead, and 12% from other Australian online digital music stores.

Have they also used overseas digital music stores to purchase downloads? 26% of those who buy music online do not use Australian stores; of those 44% buy from iTunes, US, UK or other iTunes stores overseas; 19% buy from Emusic while 37% buy from other foreign online digital music stores.

How many purchased songs did they estimate were obtained online? 28% had never purchased any digital tunes. 12% had bought between 1-10. 24% had between 11-50. 20% had 51-200, 12% had from 201 to 1000 tunes with the remaining 4% claiming between 1001 to 8000 songs purchased.

How many digital songs in total--legally purchased, legally acquired free and P2P fileshared illegally--did they estimate they had? 10% had no digital songs, 12% had 1-49 digital files, 22% had 50-499, 12% had between 500-999, 15% from 1000 to 4999, 14% between 5000-10,000, 8% from 11,000 to 25,000 songs while 4% had 26,000 to 65,000 and only 2% had between 75,000 to 300,000 as a maximum.

P2P & ILLEGAL FILE SHARING

Do they illegally file share or download music via P2P? 9% claimed to have never done it. 2% did it exclusively. 11% did it frequently, 15% did it moderately, 20% rarely while 13% had done it previously but don't anymore.

What is the primary software they used for file sharing in the past year? 37% used Bit Torrent for illicit file sharing, 33% used Limewire, 2% used Kazaa, 1% used BearShare 27% used a variety of others.

Do they use file sharing to try music before they buy it? 14% do it frequently. 28% did it moderately. 23% do it rarely. 44% never use file sharing to sample music before buying.

If they used file sharing to try music, and like the music, do they buy it? 15% didn't but 63% did. 22% didn't answer.

They were asked to estimate how many file-shared songs they have in their music collection. 28% had no P2P songs. 26% had under 100. 22% had over 100 to 500. 13% had between 1000-5000. And just under 5% had between 5000 to 50,000 songs.

MOBILE MUSIC

55% of respondents use a mobile phone to play music.

31% used an iPhone, 33% were Nokia users, 14% used a Sony Ericsson, 6% used an LG, 5% were Samsung users, 4% had Motorola, 8% used other brands

Of all respondents, only 9% had specifically purchased music via a telecommunications carrier or handset manufacturer. 88% hadn't and 3% did not respond.

Of those who play mobile music, 71% primarily used ripped CD files or other digital music and 29% purchased music specifically for the mobile-which would include iTunes and mobile services.

SUBSCRIPTION SERVICES

Did they use any music subscription service (where you can choose to use any songs for a small monthly fee) in the past year whether on mobile or online? Less than 10% of respondents had used a music subscription service in the past year. Of those, 27% used the newly established Nokia's Comes With Music, 31% used Emusic. Vodafone's Music Station and the now defunct Stripe service were even at 5% each while 30% of the remainder used a variety of other services.

If they could get all the music they would want to play as a streaming service without being able to carry it portably, would they subscribe? 68% said no, 32% said yes

If they could get all the music they want and also be able to transfer it for a higher price to a portable device, would they pay extra for this service? 57.5% wouldn't but 42.5% would.

LIVE MUSIC ATTENDANCE & PURCHASES

In the past year, the number of times respondents have gone out to see live music at a venue--pub, club, concert arena or stadium. 2% didn't go to any shows. 2.5% went to one. 2.75% went to two. 3.75% went to three. 3.5% went to four. 10.5% went to 5-9 shows a year. 15% went to 10-19 annually. 23% went to 20-29. 21% went to 30-49. 12% went to 50-99 and 6% went to more than 100 shows a year.

In the last year, number of times that they bought artist merchandise. A surprising

Robinson, AnneK

From: Donne, Geneva
Sent: Tuesday, 11 August 2009 11:19 AM
To: Friend, Stuart; Cubin, Derise; De Deckker, Peter; Lefterys, Rish; Neil, Robert; Strehar, Kathy; Thorman, Rob; Walsh, Kelvin
Cc: Robinson, AnneK; Whitney, David
Subject: Live Music IDC

Importance: High

Attachments: 1st meeting TOR Live Events.pdf; 1st meeting IDC Agenda.doc; 1st meeting IDC Issues paper.doc; 1st meeting LiquorLawRefor_factsheet.pdf; 1st meeting signed letter to ministers.pdf

Dear IDC Member

Please find attached the agenda papers for the first meeting of the Interdepartmental Committee of the reduction of barriers to the production of live music in the ACT, on Tuesday 18 August.

If you have any queries relating to the IDC please contact Anne Robinson on 6207 2378 or email annek.robinson@act.gov.au



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1st meeting IDC Agenda.doc (68...



1st meeting IDC Issues paper.d...



1st meeting liquorLawRefor_fac..



1st meeting signed letter to m...

Genevra Donne
artsACT, Chief Minister's Department
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**REDUCTION OF BARRIERS TO THE PRODUCTION OF LIVE MUSIC IN
THE ACT INTERDEPARTMENTAL COMMITTEE**

MEETING

**Tuesday 18 August 2009
10-11.30am
Level 5, Conference Room
Canberra Nara Centre**

DRAFT AGENDA

Activity	Lead Agency
1. Welcome & Apologies	Chair, CMD
2. Terms of Reference	Discussion
3. Key Questions	Discussion
4. Next Steps and Next Meeting	Chair

Agenda Item 1 – Welcome and Introductions

Purpose

To note members present, apologies and to confirm the agenda for the meeting of 18 August 2009.

Issues

Members invited:

Mr David Whitney, artsACT, Chief Minister's Department (Chair)
Ms Rish Leftreys, Department of Disability, Housing and Community Services
Ms Kathy Strehar, Department of Territory and Municipal Services
Mr Kevin Walsh, ACT Planning and Land Authority
Ms Derise Cubin, Department of Justice and Community Safety
Mr Rob Thorman, Land Development Agency
Mr Peter de Deckker, Canberra Institute of Technology
Mr Bob Neil, Department of the Environment, Climate Change and Water

Apologies

Mr Stuart Friend, Department of Treasury

Recommendation

That the IDC:

1. Note the members present.
2. Accept the apologies.
3. Agree the draft Agenda.

Agenda Item 3 – Key Questions

Purpose

To consider issues surrounding barriers to the production of live music in the ACT.

Background

The attached paper provides information on current activities taking place around the issue of live music performance and the key issues raised.

Issues

The Live Music IDC needs to consider the following questions:

Preliminary Questions

- Are their issues listed in the issues paper which the Live Music IDC is not able to consider?
- What actions are already being undertaken to address these issues?
- Given the scope of the issues to be considered is the composition of the IDC appropriate?
- What reforms can be devised and implemented that would, in practical and achievable terms, address the areas raised in the issues paper?

Ongoing Question

- Are there areas not listed in the issues paper which should be considered by the Live Music IDC?

Recommendation

That the Live Music Interdepartmental Committee:

1. note the attached background paper;
2. agree on range of issues and priorities to be considered by the IDC; and
3. provide details of the relevant information, legislation and regulation held by individuals Departments in relation to the issues to be discussed by the IDC by 1 November 2009.
4. provide details of any projects currently being undertaken in relation to these issues by 1 November 2009.

Comment and feedback should be directed to the Live Music IDC secretariat:

Nigel Featherstone
Manager Arts Development
artsACT
Chief Minister's Department
6207 2381
Nigel.featherstone@act.gov.au

**REDUCTION OF BARRIERS TO THE PRODUCTION OF
LIVE MUSIC IN THE ACT
INTERDEPARTMENTAL COMMITTEE (Live Music IDC)**

Terms of Reference

**ROLE OF THE REDUCTION OF BARRIERS TO THE PRODUCTION OF
LIVE MUSIC IN THE ACT INTERDEPARTMENTAL COMMITTEE**

The Committee will meet quarterly for 18 months and be chaired by the Chief Minister's Department. Membership is to comprise of one senior representative from each agency with an interest in some aspect of live music in the ACT.

TERMS OF REFERENCE

The Live Music IDC will:

- Consider the barriers which exist to the production of live music in the ACT in particular in relation to legislation and regulation
- Examine ways in which the barriers to the production of live music in the ACT could be reduced
- Develop a cabinet submission which addresses these issues

INTERDEPARTMENTAL COMMITTEE ON THE REDUCTION OF BARRIERS TO THE PRODUCTION OF LIVE MUSIC IN THE ACT

ISSUES PAPER

Live music is an important component of the cultural life of the ACT community whether it is a band playing at a nightclub or an outdoor community festival. Live concerts and performances are also pivotal in helping Australian performers showcase their talents, hone their skills and earn an income.

Regulations controlling the hosting and performance of live music are in place to ensure the safety and amenity of the public, patrons, performers and venue operators. However, they can also present barriers or impediments to growing a live entertainment industry. It is important that there is a balance between protecting local amenities whilst encouraging a vibrant music sector.

The Standing Committee on Planning, Public Works and Territory and Municipal Services Inquiry into Live community Events

On 25 February 2009, the Assembly referred a number of issues in relation to the support of live music and events in the community to the Standing Committee on Planning, Public Works and Territory and Municipal Services for inquiry and report on the first sitting day in October 2009. The Terms of Reference for the Inquiry into Live Community Events is at **Attachment A**.

The terms of the Inquiry address many of the same issues that will be looked at the by the IDC and it is possible that the Inquiry may make recommendations that the IDC further investigates matters raised at the Inquiry. The public comments received by the Inquiry will also be relevant to the IDC.

Cultural Ministers Council

In 2006, the Cultural Ministers Council agreed to make contemporary music a priority and established the Working Group on Contemporary Music Development. The Working Group is looking at ways to encourage contemporary music practice across Australia and has commissioned the writing of a best practice guide for the development of a legislative and regulatory environment supporting live music and entertainment. In developing the report, the consultant has identified a number of recommendations which could be actioned by individual States and Territories to support live music. The report will be considered by the CMC at its meeting in October 2009.

The CMC also agreed that all Arts Ministers would write to their colleagues with responsibilities licensing and planning issues. In July 2008 the Chief Minister wrote to the ACT Ministers for Planning, Territories and Municipal Services, and Justice and Community Safety indicating that he wished to investigate legislative or regulatory action to reduce barriers to live music performance in the ACT. Copies of these letters are at **Attachment B**.

Review of live music held in 2004

Following discussion in the Legislative Assembly in 2004, meetings with key stakeholders in the live music sector were held to discuss issues facing the sector. The main issues for the sector were identified as:

- the need for a music association to represent, advocate and disseminate information to the live music sector; and
- the need to examine current noise regulation and attenuation practices to ensure that the operations of live music venues are not being unduly impacted.

No specific actions arose from the meetings.

Issues which are relevant to the reduction of barriers to the production of live music in the ACT

The following issues have been identified by the above reviews as being relevant to the reduction of barriers to the production of live music:

Live music objectives in liquor licensing legislation

Live music and entertainment venues require a liquor licence for the sale of alcohol, often an important factor in the financial viability of the venue. A considerable amount of live music is provided as an ancillary activity in existing licensed venues such as hotels, clubs and restaurants. A reference to live music in the aims or objects of liquor legislation can provide recognition of the value of the live music industry. NSW has recently made significant changes to their liquor licensing legislation. See **Attachment C**.

Order of Occupancy Considerations

Order of Occupancy principles allow regulators to consider the order of occupancy between a venue and a resident when any changes, such as structural alterations in either premises or the activities conducted in licensed premises, are being considered.

Noise Complaints

Noise issues can be divided into two areas: noise regulation and noise attenuation.

- Noise Regulation refers to the legal framework that establishes and enforces appropriate noise levels. A number of noise zones have been established across the ACT with differing levels of noise allowable at different times of day.
- Noise Attenuation refers to the construction or refurbishment of buildings or other structures to limit the passage of noise. Noise attenuation can be introduced to a music venue to prevent noise escaping, or to another space, such as a restaurant or apartment complex, to prevent noise entering.

Consideration of primary purpose and ancillary purpose.

The differentiation between primary purpose dedicated entertainment spaces, such as nightclubs, cinemas, theatres, and auditoriums, which require an appropriate level of fire safety and planning process, and spaces such as hotels or restaurants where the provision of entertainment is secondary can make live music more economically viable.

Investigating measures to support live music and entertainment in town planning

Various capital cities have introduced measures designed to manage issues related to entertainment venues and late-night trading of licensed premises in the form of precincts and zoning under liquor and local government legislation and development control plans.

Entertainment industry agents, managers and venue consultants

Regulation of entertainment industry agents, managers and venue consultants has the potential to improve the viability of the industry through better management practices.

Provision of suitable advertising spaces

The posting of flyers in public places is an important advertising tool for many musicians and venues but can lead to issues in relation to vandalism and littering.

Employment of minors working as performers

The clarification of conditions for minors to work as performers in licensed premises may protect young performers while promoting their access to venues.

Dissemination of information about legislation and regulation in relation to live music

The provision of clear and readily available information to venues, performers, managers and the community is critical to supporting live music performance.

Public Liability Insurance

The cost of Public Liability insurance can be prohibitive for individuals and organisations seeking to hold community events and performances in non-traditional venues.

LIQUOR LAW REFORM

more responsibility, less red tape

OVERVIEW

New South Wales is just months away from the most comprehensive change to liquor laws in 25 years.

A new Liquor Act was passed by the NSW Parliament on 5 December 2007 and will commence from 1 July 2008.

The Act will be supported by a new Liquor Regulation which will be released for public comment shortly.

The new laws are much simpler and more flexible than existing liquor laws.

This will aid understanding, while meeting the needs of the industry and the community. The new laws will remove liquor licensing from the courts, and introduce an administrative-based system.

The new laws simplify licensing requirements.

The new *Liquor Act* will regulate all liquor sales – including sales in registered clubs. The *Registered Clubs Act 1976* has been retained and will focus on club management and governance issues.

OVERVIEW

The liquor laws have been modernised and simplified

The new system is flexible and practical with minimal formality

There will be less red tape, cost and complexity

Less red tape: Responsive and modern liquor laws

The Liquor Administration Board and the NSW Licensing Court will be abolished. A new administrative-based licensing system will be introduced and a **Casino, Liquor and Gaming Control Authority** established. The Director of Liquor and Gaming will have expanded powers.

- A new **on-premises licence** will encourage a wider variety of licensed premises.
- A **'general bar'** hotel licence will apply to bars without gaming machines or takeaway sales, for a fee of \$500.
- Restaurants will be able to serve alcohol without a meal by applying to the Authority and paying a small processing fee. The fee will be prescribed in the Regulation.
- **There will be an on-premises licence for live music venues, making it cheaper and easier for entertainment venues to obtain a liquor licence.**
- 'Order of occupancy' will be considered when disturbance complaints are dealt with.
- A **wine producer's licence** will allow sales at wine shows and farmers' markets/producer fairs. Wine producers will be able to operate multiple premises in the same wine region under the one licence, and charge for wine tastings.
- Regional **brewers and distillers** will be allowed to charge for tastings and sell their products at their premises.
- Outdated restrictions will be removed from **accommodation venue** licensing.
- **Bed and breakfast** and 'farm stay' venues will be able to sell alcohol.
- **Surf club** liquor licence privileges will be retained, with expanded opportunities.
- Accommodation venues without a hotel licence will be able to use **the term 'hotel'**.
- **Retirement village** functions will be allowed to sell liquor without high costs or red tape.
- Liquor licence exemptions will apply to **auctioneers and commuter aircraft.**
- Unnecessary restrictions on **caterers** will be removed.

The new liquor laws give greater protection for the community from alcohol abuse and crime

Applicants for licences and extended hours will have to consult the community before applying

The new laws promote and enforce responsible service and consumption of alcohol

More responsibility: Promoting responsible service and consumption

- A new **Community Impact Statement** will be required for certain new liquor licences and extended trading authorisations, with greater consultation between applicants/ licensees and the community.
 - Health, police and crime data will be taken into account in assessing applications for new licensed venues and extended trading hours.
 - Residents and local councils will be able to take quick action on **disturbances**.
 - A specific definition of **'intoxicated'** will assist licensees and staff in implementing responsible serving practices.
 - People with alcohol problems will be able to request **self-exclusion** from licensed premises.
 - There will be **new offences** for anti-social behaviour.
 - **On the spot fines** of \$550 will apply to drunk, quarrelsome or violent people who attempt to re-enter, or remain in the vicinity of, licensed premises after refusal or ejection.
 - There will be increased penalties for **underage drinking** and intoxication.
 - There will be maximum penalties of \$11,000/ 12 months imprisonment for licensees and staff who repeatedly sell alcohol to **minors and intoxicated patrons**.
 - There will be fines of up to \$2,200 for **minors** unlawfully in licensed venues or purchasing alcohol.
 - Underage drinking provisions will be written in plain English.
 - **Liquor accords** can apply to the Authority to ban troublesome patrons from multiple licensed venues for up to six months.
 - The Director of Liquor and Gaming will be able to require licensees to make **financial contributions** to Liquor Accords.
 - The Director or the new Authority will be able to order **compliance** with liquor accord terms.
 - The Director will be able to declare **lockouts/ curfews** to reduce patron migration between premises and minimise opportunities for anti-social behaviour and violence.
 - The Director will be able to issue **directions to licensees** relating to conduct on the premises.
 - The Director will be able to impose **conditions on licences**.
 - The Director will be able to require promotions or advertisements for discount liquor to be accompanied by **responsible consumption of alcohol messages**.
- Areas suffering chronic alcohol abuse can be declared **'restricted alcohol areas'** for up to three years. Restricted alcohol areas will not be limited to Indigenous communities.
- Licensees will be required to have **accreditation** and attend on-going training.

A greater variety of hospitality, dining and entertainment choices

Enhanced business opportunities for new and existing licensees

Safer, more responsible and vibrant liquor venues

More than twenty licence categories reduced to just six

Six licences:

Opportunities for licensees, choice for consumers

1. Hotel licence

- The hotel licence will apply to premises where the primary purpose is the sale and supply of alcohol. It will include accommodation hotels as well as small and large bars.
- Takeaway sales will be allowed if licence conditions permit.
- Applicants for new hotel licences will be required to prepare Community Impact Statements.
- Standard hours will be unchanged: 5am to midnight, Monday to Saturday, and 10am to 10pm on Sunday.
- There will be no change to existing trading restrictions on Good Friday and Christmas Day.
- Applications for extended hours will require a Community Impact Statement.
- **Hotel (General Bar) licence:** This will be a special type of licence for bars without gaming machines or takeaway liquor. A \$500 fee applies. Applications will require a Community Impact Statement, with patron numbers set by local councils.

2. Club licence

- Clubs will continue to be referred to as 'registered clubs'. The *Registered Clubs Act* will be retained, and will focus on management and governance.
- Unrestricted trading hours will continue for existing clubs.
- New clubs will have to prepare Community Impact Statements.
- The standard trading period will apply to new clubs, with applications for extension of hours subject to Community Impact Statements.
- Club control and licensing requirements will be simplified.

3. Packaged liquor licence

- This licence will apply to liquor stores selling takeaway liquor only.
- Community Impact Statements will be required.
- Standard liquor store trading hours will be unchanged: 5am to midnight, Monday to Saturday, and 10am to 10pm on Sunday. Community Impact Statements will be required for any extension.
- The existing prohibition on takeaway sales on Good Friday and Christmas Day will remain.

4. On-premises licence

- This new licence will replace existing on-licences for restaurants, motels, theatres, universities, public halls, vessels, airports and section 18(4)(g) licences.
- This licence will also replace the existing nightclub, caterer's, Governors and community liquor licences.
- The licence will be flexible allowing sales of liquor for consumption on, and in some cases off the premises.
- In general, this licence will not be issued where the sale, supply or consumption of alcohol is the primary business or activity on the premises (some exemptions apply e.g. airports, universities).
- Community Impact Statements will be required for some on-premises licences – e.g. restaurants and public entertainment venues. The Authority will determine what other on-premises licence applications will require Community Impact Statements.
- A standard trading period of 5am to midnight, Monday to Saturday, and 10am to 10pm on Sunday will apply, with applications for extensions permitted.
- This licence will also apply to a live music or public entertainment venue. It will replace the current nightclub and theatre licences.

5. Producer/wholesaler licence

- This licence will apply to wine producers, brewers, distillers and wholesalers.
- The licence will allow wholesale sales to other liquor licensees.
- For wine producers, this licence will allow:
 - tastings (with a charge if desired);
 - cellar door sales;
 - direct sales at wine shows;
 - sales at producer markets or fairs; and
 - the operation of multiple premises in the same wine region under the one licence.

- A drink on-premises authorisation will allow consumption on premises as part of a restaurant/motel/vineyard event.
- Wine makers will be able to sell blended wines, as long as the wine contains a minimum percentage of the product manufactured by or on behalf of the licensee. This percentage will be prescribed in the Regulation.
- Wine makers will be able to sell products made from non-grape fruit so long as the product is made on their premises from fruit grown on their premises.
- The existing 45-litre limit on cellar door sales will be abolished.
- Tastings and cellar door sales will be allowed for small-scale regional brewers and distillers.

6. Limited licence

- This licence will allow liquor sales for consumption on licensed premises at a function or multiple functions.
- The licence will apply to sporting club and community functions held by non-profit organisations.
- Surf clubs will be able to sell liquor at private functions at their premises, to raise funds, subject to Responsible Service of Alcohol laws.
- This licence will also apply to significant regional and State events held by non-profit and for-profit organisations.
- In the case of trade fairs (eg wine shows), a limited licence may allow takeaway sales.

Applications, regulations and compliance:

More responsibility, less red tape

The Authority

- The new **Casino, Liquor and Gaming Control Authority** will consider liquor licence applications, trading hour extensions and disciplinary matters.
- Anyone will be able to make submissions to the Authority.
- The Authority will be responsible for imposing penalties and suspending or cancelling licences in disciplinary matters.
- The Administrative Decisions Tribunal will be able to review disciplinary decisions of the Authority.

The Director

- The **Director of Liquor and Gaming** will have an expanded enforcement role. The Director will:
 - determine disturbance complaints;
 - impose conditions on liquor licences; and
 - declare lockouts/curfews.
- The Director's decisions will be reviewable by the Authority.

Community Impact Statement (CIS)

- The new **Community Impact Statement** will be simpler and more effective than the existing Social Impact Assessment.
- The CIS will gauge potential impacts of new hotels, clubs, bottleshops, public entertainment venues, restaurants and other licensed venues. Applications for extended trading hours will also be subject to the new process.

- The CIS will summarise the results of consultation with local stakeholders – which can include local councils, police, health, Aboriginal representatives, community organisations and residents.
- Stakeholders will have an opportunity to comment on the CIS.
- The Authority will only approve an application which requires a CIS where the overall social impact will not be detrimental to the well-being of the local and broader community.

Disturbance complaints

- Residents, police and local councils will continue to have the right to make **disturbance complaints** and they will be determined by the Director of Liquor and Gaming.
- The Authority will be able to review the Director's decision in disturbance complaints.
- The Director will be able to take into account **order of occupancy**, changes to the licensed venue and changes to the complainant's premises.

Applications under the new
Liquor Act cannot be accepted
until 1 July 2008.

For further information:

Go to www.olgr.nsw.gov.au and click on the 'Liquor Law Reform' link. A copy of the Liquor Act 2007 can be accessed here. The draft Liquor Regulation will be on our website in April.

Subscribe to the E-news service on the above site for regular updates.

Contact us by email on info@olgr.nsw.gov.au.

Contact Ross McCulloch at the NSW Office of Liquor, Gaming and Racing on 02 9995 0651.

IN-CONFIDENCE

DRAFT

**SUPPORTING AUSTRALIA'S LIVE MUSIC INDUSTRY:
SUGGESTED PRINCIPLES FOR BEST PRACTICE
2009**

INTRODUCTION

Live concerts and performances have a very special role in Australia's cultural and creative life and are pivotal in helping Australian performers showcase their talents, hone their skills and earn an income. Live performance offers artists instant audience feedback and provides a mechanism to promote their music, their image and their brand. It is also a critical stepping stone to breaking through to an international market. It is therefore crucially important to nurture and develop live concerts and performances across the nation.

Regulations controlling the hosting and performance of live music are often determined at a state, territory and local government level and are impacted by a number of different issues. Regulatory frameworks are in place to ensure the safety and amenity of the community, which includes the general public, patrons, performers and venue operators. Whilst these are legitimate objectives, live entertainment regulations should be developed in a considered manner so as not to overly disadvantage or present barriers or impediments to growing a live entertainment industry in Australia.

It is critical that there is a legitimate and transparent process that allows for the protection of local amenity and seeks to promote appropriate types and forms of a live entertainment industry. With the advent of ongoing regulatory reform, there is opportunity to achieve better outcomes for live music through regulation and legislation. This document has been developed to support this opportunity by identifying a range of best practice regulatory principles that may assist state and territory arts, cultural, planning, liquor licensing, and industry agencies and local government authorities to grow their live music and entertainment industries.

Appendix 1 provides a concise checklist of actions that could be considered in order to appropriately address live music performance. Appendix 2 provides a list of appropriate state and territory government contacts.

State, territory and local governments should also refer to the document entitled Council of Australian Governments (COAG) *Best Practice Regulation: A guide for Ministerial Councils and National Standard setting bodies* when considering legislation and regulation dealing with live music performance.

SECTION ONE: PLANNING AND LOCAL GOVERNMENT PROCESSES

While planning processes and building compliance assessments for live music and entertainment venues vary from state to state, there are some basic elements which should be considered within regulation to foster a thriving local live music industry. In particular, regulations must be equitable across a range of entertainment activities, should be based on clear justification and avoid unnecessary costs for small scale venue operators.

Ensuring the live music industry has ready access to clear information about current relevant planning and local government regulations is also a vital step in ensuring regulations support rather than discourage local live music industries.

Consideration of primary purpose and impacts.

A challenge for regulators and consent authorities is to differentiate between primary purpose/intensive use dedicated entertainment spaces, such as cinemas, that require specific building requirements, and spaces such as hotels or restaurants where the provision of entertainment is one of a range of activities and ancillary to the primary purpose of the venue. Addressing these challenges are particularly important to ensure that standards of compliance are proportionate to the relevant impacts and risks associated with an activity and do not unnecessarily render grass roots and less commercial activity unviable.

Principle of good regulatory practice

- Regulations should differentiate between high and low impact uses and activities and their associated levels of risk to ensure that restrictions and compliance requirements are proportionate to each category.

Planning and local government processes

Principle of good regulatory practice

- When designing good practice planning and approvals processes, regulations should be kept simple and easy to follow, and include a tiered or flexible response to assess performance requirements for different types of venues depending on the size and intent.

Classification of bars and nightclubs under building legislation

The live music entertainment industry would benefit from clarity in terms of knowing what activity requires building consents.

Principle of good practice

- Building systems should provide the hospitality industry with clear directions on how their venues will be assessed in regards to the relationship between various types of consent and building compliance.

Discretion for partial compliance

Compliance with current regulations for specific venues and alterations to those venues can be technically difficult to achieve and therefore consideration of partial compliance is important.

Principle of good regulatory practice

- Building systems should be flexible in how they assess existing buildings when alterations are made or a change of use is initiated.

Investigating measures to support live music and entertainment in town planning

Places are needed in any city, suburb or town where night economies can thrive and where live music and entertainment can host late night activities with certainty. Various capital cities have introduced measures designed to manage issues related to entertainment venues and late night trading of licensed premises in the form of precincts and zoning under liquor and local government legislation and development control plans.

Principle of good regulatory practice

In considering measures to support live music and entertainment in town planning, the following strategies could be considered:

- Commencing discussions through a preparatory forum of regulatory and government agencies and creative sector representatives to discuss the various responsibilities of each agency, identify any issues and regulatory barriers and establish relationships.
- Identifying naturally occurring pre-existing night economies or areas where there are live music and entertainment hubs, and investigating measures across various regulations and controls that may be appropriate to encourage performance opportunities.

Planning and local government information resources

The provision of adequate and accessible information regarding planning and local government processes to ensure compliance with planning regulations and sustain viable businesses.

Principle of good practice

- Adequate information on current relevant planning and local government regulations should be made available in a range of formats to applicants due to the complexities of planning application processes and the need for certainty to facilitate sustainability.

Environmental protection information resources

- The provision of adequate and accessible information regarding environmental protection is important to ensure the live music industry businesses are able to operate while reducing the effects of noise.

Principle of good practice

- Clear information resources on environmental protection should be readily available to the live music industry.

SECTION TWO: LIQUOR LICENSING

Live music objectives in liquor licensing legislation

Live music and entertainment venues in Australia usually require a liquor licence for the provision of hospitality and to potentially underwrite the financial viability of the venue through the sale of alcohol. A great deal of live music is provided in Australia as an ancillary activity in existing hospitality industry licensed venues such as hotels, clubs and restaurants.

A reference to live music in the aims or objects of liquor legislation can provide recognition of the value of the live music industry, on the basis that the aims or objects must be considered in deciding any matter that goes before a licensing authority. It can also assist applicants who specify that they intend to host live music and entertainment in the premises when they apply for, or transfer licences or when they seek to vary trading hours.

Principle of good regulatory practice

- Liquor legislation should acknowledge that the live music sector is usually associated with the provision of alcohol. It should also help to ensure that the interests of the live music and entertainment industry are considered in licensing matters.

A dedicated class of liquor licence for entertainment venues

The inclusion of a dedicated class of liquor licence that is flexible and affordable is considered good practice in managing and supporting the performance of live music.

Principle of good regulatory practice

- Liquor licences should be flexible for smaller venues, grass roots and less commercial entertainment venues to assist in managing and supporting the performance of live music.

Information resources on liquor licensing

An important aspect to assist in building a positive management framework for the live music industry is to ensure that there are adequate and useful information resources on licensing requirements for entertainment venues who wish to apply for or renew liquor licences.

Principle of good regulatory practice

- Adequate information resources should be made available on the licensing requirements for live entertainment venues applying for new licences and on the review and renewal of existing licence conditions.

Costs, fees and renewals in liquor licensing

The costs and fees associated with liquor licensing fees could prohibit the ability of venues to host live music, particularly small-scale premises. Whilst it may not be viable for States and Territories to reduce their liquor licensing fees, it is important to ensure that fees closely

reflect the actual costs of licensing administration, and should not be seen as a mechanism for revenue raising.

Principle of good practice

- Liquor licensing fees should be affordable to encourage the establishment of small-scale premises hosting live music.

Noise Complaints and Order of Occupancy Considerations

Order of occupancy principles allow regulators to consider the order of occupancy between a venue and a resident when any changes, such as structural alterations in either premises or the activities conducted in licensed premises, are being considered. These principles have been introduced into complaints arbitration processes and are allowing venues and residents to resolve noise complaints and amenity issues within a broader context.

Principles of good regulatory practice:

- Order of occupancy principles should be in place to deal with noise and amenity complaints. This allows venues and residents to resolve these issues within a broader context.
- Order of occupancy principles can be given added weight through a reference in the objects or aims of liquor licensing legislation.

SECTION THREE: INDUSTRIAL RELATIONS AND WORKPLACE HEALTH AND SAFETY

Those in the live music industry have a general duty of care to ensure that they themselves and others in their area of practice are not exposed to hazards.

As musicians, entertainers, agents and managers can be very vulnerable to fluctuations in work opportunities, it is also important to ensure that positive and transparent work arrangements are able to be put into place to promote ethical and high quality dealings between all parties.

Workplace health and safety: Codes of practice

Principle of good practice.

- To promote health and safety in the workplace, details and advice should be made available on: identifying sources and levels of noise, assessing exposure to noise, eliminating or minimising noise exposure, and workers legal obligations in terms of noise.

WorkCover and workers compensation

Principle of good regulatory practice

- Workers rehabilitation and compensation legislation should include provisions specific to the entertainment industry in order to provide for compensation and rehabilitation of those who sustain disabilities at work.

Regulation of agents and managers

Principles of good regulatory practice

- Regulation should ensure clear performance standards and mechanisms for effective enforcement. Consideration should be given to ensuring that relevant performance standards are developed in partnership with industry. Such measures could reduce the risks that agents and managers charge performers excessive fees, pay late or not at all, or otherwise act inappropriately.
- Where possible, work environments and negotiations need to be transparent to promote positive arrangements between artists and venues.

SECTION FOUR: EMPLOYMENT OF CHILDREN IN THE ENTERTAINMENT INDUSTRY.

Minors performing in licensed premises

The ability for minors to work alongside established professionals in licensed premises under appropriate conditions is consonant with Article 31 of the *UN Convention on the Rights of the Child*. The ability to perform, under appropriate conditions, can assist minors to simultaneously commence an apprenticeship, expand their profile and earn an income.

Principle of good regulatory practice

- Minors should have the ability to work alongside established professionals in licensed premises under appropriate working conditions, and in the company of a responsible adult.

Employment of children in the entertainment industry

The ability to perform live can provide career changing opportunities for young performers. The regulation of children working in the entertainment industry and the minimum age of employment varies according to each state and territory.

Principle of good regulatory practice

- Regulations should safely encourage the involvement of young musicians, and should aim to protect children working in the entertainment industry from exploitation or abuse, and prevent inappropriate and unreasonable demands being placed on them.

CHECKLIST OF POTENTIAL ACTIONS

Consider introducing additional objects within respective state and territory liquor legislation to include the interests of the live music and entertainment industry.

Consider introducing a category of liquor licence specific to live music and entertainment venues.

Develop information resources which specifically make references to entertainment venues and liquor licensing requirements.

Investigate introducing contextual considerations for licensed premises hosting entertainment in noise and amenity arbitration processes.

Investigate the clarification of conditions for minors to work as performers in licensed premises.

Consider introducing regulations and a code of practice which will protect and safely encourage the employment of children in the entertainment industry.

Consider regulatory measures that ensure a proportionate response to the relevant impacts and risks associated with activities and venues.

Consider introducing information resources demarcating the classification of bars and nightclubs under building legislation.

Investigate and consider introducing measures to support live music and entertainment in town planning, such as through designated districts.

Consider introducing a dedicated information helpline to assist with compliance issues for entertainment venues.

Consider publishing a dedicated live music and entertainment noise guide to encourage best practice in live music venues.

Investigate introducing provisions for entertainers under respective Workers Rehabilitation and Compensation legislation.

Consider establishing a dedicated webpage resource for entertainment industry agents and managers.

Consider introducing measures that allow those with a disability to easily access live performances.

Consider arts representation on any working group that is established to look at reform of regulation and planning that may have an affect on the live music sector.

SECTION FIVE: FUNDING MODELS

Funding through regulation

Various states and territories have legislation which includes provisions for specific funding mechanisms for live music.

Principle of good regulatory practice

- Jurisdictions could consider funding mechanisms, including through gambling revenue and legislation, to encourage support for the arts, including live music.

RELEVANT CONTACTS

State and Territory Government Agencies

Queensland

New South Wales

Victoria

Australian Capital Territory

Tasmania

Northern Territory

South Australia

Western Australia

Agenda Item 1 – Welcome and Introductions

Purpose

To note members present, apologies and to confirm the agenda for the meeting of 18 August 2009.

Issues

Members invited:

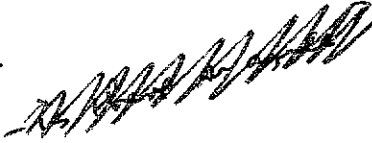
- Mr David Whitney, artsACT, Chief Minister's Department (Chair)
- Ms Rish Leftreys, Department of Disability, Housing and Community Services
- Ms Kathy Strehar, Department of Territory and Municipal Services
- Mr Kevin Walsh, ACT Planning and Land Authority
- Ms Derise Cubin, Department of Justice and Community Safety
- Mr Rob Thorman, Land Development Agency
- Mr Peter de Deckker, Canberra Institute of Technology
- Mr Bob Neil, Department of the Environment, Climate Change and Water

Apologies

Recommendation

That the IDC:

1. Note the members present.
2. Accept the apologies.
3. Agree the draft Agenda.



Mr Stuart Freund, Department of Territory has been invited and will attend meetings when there is a specific Budget related item.

October Session

Robinson, AnneK

From: Donne, Genevra
Sent: Monday, 27 July 2009 8:55 AM
To: Cubin, Derise; De Deckker, Peter; Lefterys, Rish; Neil, Robert; Strehar, Kathy; Thorman, Rob; Walsh, Kelvin
Cc: Robinson, AnneK; Featherstone, Nigel; Whitney, David
Subject: IDC Music - First meeting

Dear IDC Member

I understand that you have been nominated to represent your department/agency on the Interdepartmental Committee on the reduction of barriers to the production of live music in the ACT.

The first meeting of the IDC will be held:

Tuesday 18 August 2009
10-11.30am
Level 5, Conference Room
Canberra Nara Centre

Agenda papers, including draft terms of reference will be forwarded to you on 11 August.

If you have any queries relating to the IDC please contact Anne Robinson on 62072378 or email annek.robinson@act.gov.au

Kind regards,

Genevra Donne
EA to David Whitney
Director of artsACT
Chief Minister's Department
GPO Box 158, Canberra City ACT 2601
P:(02) 6207 2384 F:(02) 6207 2386
E: genevra.donne@act.gov.au



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY
STANDING COMMITTEE ON PLANNING, PUBLIC WORKS
AND TERRITORY AND MUNICIPAL SERVICES

Mary Porter AM MLA (Chair), Caroline Le Couteur MLA (Deputy Chair), Alistair Coe MLA

Terms of Reference for the Inquiry into Live Community Events

The Assembly resolved on Wednesday 25 February 2009:

That this Assembly:

'refers the issue of supporting live music and events in our community to the Standing Committee on Planning, Public Works and Territory and Municipal Services for inquiry and report by the first sitting day in October 2009. The inquiry will consider, but not be limited to:

- (a) a review of order of occupancy legislation;
- (b) options to encourage or require large commercial developments in group or town centres to provide community bollards for the promotion of events via bill posters; and
- (c) an examination of how building codes for residential and business development in commercial zones could be amended to ensure sound insulation and physical security are appropriate to co-location with live cultural events.'

Robinson, AnneK

From: Adamik, Jim
Sent: Tuesday, 14 July 2009 3:23 PM
To: Featherstone, Nigel; Robinson, AnneK
Subject: FW: Invitation for Submission - Inquiry into Live Community Events

Follow Up Flag: Follow up
Flag Status: Red

FYI

Jim

From: Derigo, NicolaT (LA)
Sent: Tuesday, 14 July 2009 3:07 PM
Subject: Invitation for Submission - Inquiry into Live Community Events

Dear Sir/Madam

CAN YOU LIVE WITH LIVE MUSIC?

Invitation to Make a Submission

The Standing Committee on Planning, Public Works and Territory and Municipal Services invites you to prepare a submission to its inquiry into Live Community Events, looking at issues around the co-location of residential developments and live event venues.

The Inquiry will include a review of order of occupancy legislation, or 'who was there first'. Order of occupancy is the concept of taking prior occupancy between licensed premises and a complainant into account when dealing with complaints about disturbance, such as noise complaints. Both New South Wales and Queensland have included order of occupancy rules into their Liquor Acts for dealing with disturbance complaints and nuisance activity.

The Committee will also look at options to encourage or require large commercial developments in group or town centres to provide community bollards for the promotion of events via bill posters.

Thirdly, the Committee will be examining how building codes for residential and business development in commercial zones could be amended to ensure sound insulation and physical security are appropriate to co-location with live cultural events.

Written submissions for the inquiry should be lodged with the Committee Secretary by 21 August 2009 although late submissions may be accepted. Submission should address one or all of the terms of reference and can be in the form of a letter, detailed paper or even a few key dot points to let the Committee know what you think of the issue. This may include what you see as the pros and/or cons of the issue, options for policy, legislative or regulatory change, and potential impacts on stakeholders.

Submissions should include your full name, postal address, email address and telephone number. Electronic lodgement is preferred.

The terms of reference for this Inquiry are available at <http://www.parliament.act.gov.au/committees/index1.asp?committee=113&inquiry=770>. For further information or to lodge a submission please contact the Committee Secretary on (02) 6205 0435 or by email at committees@act.gov.au.

Please also feel free to pass this invitation of to your colleagues or anyone who may be interested in providing a submission.

Yours sincerely

Nicola Derigo
Committee Secretary
Standing Committee on Planning, Public Works and TAMS
ACT Legislative Assembly Secretariat
Ph: 02 620 50435
Fax: 02 620 50432
Nicola.Derigo@parliament.act.gov.au



CELEBRATING 20 YEARS OF DEMOCRACY
11 May 1989 — 11 May 2009
Legislative Assembly for the Australian Capital Territory
Civic Square, London Circuit (GPO Box 1020) Canberra ACT 2601

6

Robinson, AnneK

From: Robinson, AnneK
Sent: Wednesday, 3 June 2009 10:18 AM
To: Mellington, Marianne; Eley, Jennifer; McGaughey, Carmel; Bell-Towers, Lynn; Cubin, Raewyn; Prowse, Fay; Turner, Samantha; Metha, Nan; Brady, Kim; Chamberlain, Patricia; Craig, Kristin
Cc: Featherstone, Nigel; Tsongas, Helen
Subject: Reduction of Barriers to live music IDC
Attachments: CE - live music IDC.pdf

Dear all

Attached is information from the ACT Chief Executive in relation to the "Reduction of barriers to the production of live music in the ACT - establishment of an Inter-departmental committee". Could you please forward the attached letter to your Chief Executive.

Please call me if you have any difficulty reading the attached scanned document.

Thanks

Anne Robinson

Arts Development Officer for Community Arts and Music

artsACT

Phone: 6207 2378

email: annek.robinson@act.gov.au

address: Level 4, Nara Centre, 1 Constitution Ave, Canberra City ACT 2602



CE - live music
IDC.pdf (147 K...

Robinson, AnneK

From: Robinson, AnneK
Sent: Wednesday, 3 June 2009 10:19 AM
To: Dyall, Mimi; Wren, Aleera
Subject: FW: Reduction of Barriers to live music IDC

Attachments: CE - live music IDC.pdf

From: Robinson, AnneK
Sent: Wednesday, 3 June 2009 10:18 AM
To: Mellington, Marianne; Eley, Jennifer; McGaughey, Carmel; Bell-Towers, Lynn; Cubin, Raewyn; Prowse, Fay; Turner, Samantha; Metha, Nan; Brady, Kim; Chamberlain, Patricia; Craig, Kristin
Cc: Featherstone, Nigel; Tsongas, Helen
Subject: Reduction of Barriers to live music IDC

Dear all

Attached is information from the ACT Chief Executive in relation to the "Reduction of barriers to the production of live music in the ACT - establishment of an Inter-departmental committee". Could you please forward the attached letter to your Chief Executive.

Please call me if you have any difficulty reading the attached scanned document.

Thanks

Anne Robinson

Arts Development Officer for Community Arts and Music

artsACT

Phone:6207 2378

email: annek.robinson@act.gov.au

address: Level 4, Nara Centre, 1 Constitution Ave, Canberra City ACT 2602



CE - live music
IDC.pdf (147 K...

CHIEF MINISTER'S DEPARTMENT
Chief Executive



Ref: C715/09

Mr Mark Cormack
Chief Executive
ACT Health

Ms Megan Smithies
Chief Executive
Department of Treasury

Ms Janet Davy
Chief Executive
Department of Education & Training

Mr Gary Byles
Chief Executive
Department of Territory & Municipal
Services

Mr Martin Hehir
A/g Chief Executive
Department of Disability, Housing &
Community Services

Mr Neil Savery
Chief Planning Executive
ACT Planning & Land Authority

Mr Stephen Goggs
A/g Chief Executive
Department of Justice & Community Safety

Mr John Robertson
Chief Executive Officer
Land Development Agency

Dr Colin Adrian
Chief Executive
Canberra Institute of Technology

Mr David Papps
Chief Executive
Department of Environment, Climate
Change, Energy & Water

Dear Colleagues

**Reduction of barriers to the production of live music in the ACT – establishment of an
Inter-departmental Committee**

I am writing to you to seek the nomination of appropriate officers to an Inter-departmental Committee (IDC) to investigate barriers to live music performance in the ACT.

On 25 February 2009, the Assembly referred a number of issues in relation to the support of live music and events in the community to the Standing Committee on Planning, Public Works and Territory and Municipal Services for inquiry and report on the first sitting day in October 2009.

The Cultural Ministers Council also has an interest in the support of live music and it is one of the key tasks of its Working Group on Contemporary Music Development.

The large number of agencies having an interest in issues surrounding live music performance in the ACT makes an IDC the most productive means of addressing this matter.

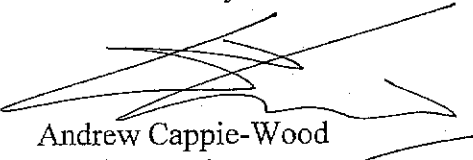
Issues which may be considered by the IDC include:

- arts development;
- community engagement;
- licensing laws and regulations;
- urban design and Territory planning;
- public places;
- design standards for urban infrastructure;
- community events;
- youth issues;
- music industry training;
- environment protection including noise regulation; and
- financial and regulatory impacts,

Meetings will be held quarterly with the first meeting scheduled for August 2009. It is proposed that artsACT within CMD provide administrative support to the IDC.

Please provide your nominations to the Director artsACT by 12 June 2009.

Yours sincerely



Andrew Cappie-Wood
Chief Executive


21 May 2009

BRIEF

CHIEF MINISTER'S DEPARTMENT



Date 1 April 2009 C 715/09

To Chief Executive 

From A/g Director, artsACT

Subject Reduction of barriers to the production of live music in the ACT – establishment of an Inter-departmental Committee

Critical date and reason

There is no critical date. However, the Cultural Ministers Council (CMC) will discuss progress on the reduction of barriers to live music performance at its meeting in October 2009 and the Standing Committee on Planning, Public Works and Territory and Municipal Services will report on its Inquiry into support for live music events in October 2009. Any action on the establishment of an inter-departmental committee and work progressed before October could be reported to both forums.

Purpose

To propose that you write to Chief Executives of ACT Government Departments seeking their nomination of appropriate officers to an Inter-departmental Committee (IDC) to investigate barriers to live music performance in the ACT.

Background

On 25 February 2009, the Assembly referred a number of issues in relation to the support of live music and events in the community to the Standing Committee on Planning, Public Works and Territory and Municipal Services for inquiry and report on the first sitting day in October 2009.

The CMC also has an interest in the support of live music and it is one of the key tasks of its Working Group on Contemporary Music Development. The CMC is looking at ways to encourage contemporary music practice across Australia and the CMC Contemporary Music Development Working Group has commissioned the writing of a best practice guide for the development of a legislative and regulatory environment supporting live music and entertainment. Along with actions for other States and Territories, the guide provides a number of recommendations which could be actioned in the ACT to support live music.

Agencies likely to have an interest in this issue and that are proposed to be part of the IDC include:

- Chief Minister's Department - arts, community engagement, events
- Department of Justice and Community Safety (including the Office of Regulatory Services) - licensing laws and regulations

- ACT Planning and Land Authority - urban design and Territory planning
- Department of Territories and Municipal Services (including Australian Capital Tourism) - public places; design standards for urban infrastructure; community events and
- Department of Disability, Housing and Community Services - youth and community issues
- Department of Education and Training - CIT music industry course
- Department of Treasury - financial implications and regulatory impact
- Department of the Environment, Climate Change, Energy and Water - environment protection including noise regulation

Issues

The large number of agencies having an interest in issues surrounding live music performance in the ACT makes an IDC the most productive means of addressing this matter. Quarterly meetings would allow the issue to be progressed without placing an administrative burden on the participating agencies. It is proposed that artsACT will provide administrative support to the IDC.

Consultation

In July 2008 the Chief Minister wrote to ACT Ministers with responsibility for licensing and planning issues indicating that he wished to investigate legislative or regulatory action to reduce barriers to live music performance in the ACT.

Financial

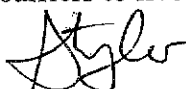
There would be some cost in terms of staff resources in establishing an IDC. There would be no other costs in the establishment of the IDC although the IDC may recommend actions which may have future cost implications.

Media

There are no media implications at this stage. There have been a number of articles in the local media in recent months relating to live music issues, particularly in relation to noise and planning regulations.

Recommendation

That you agree to write to Chief Executives of ACT Government Departments seeking their nomination of appropriate officers to an Inter-departmental Committee to investigate barriers to live music performance in the ACT.



Sam Tyler

Contact Officer: Nigel Featherstone
Phone: 6207 2381



Andrew Cappie-Wood / /
AGREED/NOT AGREED/NOTED/PLEASE DISCUSS