



Music NSW Response to State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007

A. BACKGROUND

MusicNSW is the service organisation for the NSW music industry. We are a non-profit association set up to represent, promote and develop the contemporary music industry in New South Wales.

Our objectives are to:

- Provide advice and resources and have information available for the industry.
- Increase industry professionalism and skills through education and training.
- Develop regional, national and international recording and performance opportunities for NSW artists.
- Provide coordination between grass roots organisations, industry sectors and government bodies.
- Ensure that the interests of NSW contemporary music artists are adequately addressed by the media, government and cultural bodies.
- Empower communities around NSW to retain their musical identity and foster audiences for local material.

The closely aligned nature between the content of the State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) and live music would indicate, that MusicNSW responsible for representing and ensuring that the interests of the music industry is adequately addressed, is a significant stakeholder in the development of the policy.

A number of issues raised by the State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007 have been identified by Music NSW, under the following categories.

- 1. Acknowledgement of the public cultural and social benefit of live music**
- 2. Place of Public Entertainment Governance**
- 3. Exemptions and Complying Development**
- 4. Implementation of the Policy**

B. COMMENTS AND PROPOSALS OF MUSIC NSW

1. Acknowledgement of the public cultural and social benefit of live music

1.1 Part 1 : Aims Of Policy:

The stated aim of the policy is essentially the safety of persons using the places of public entertainment. **Music NSW would like to propose the stated aim include** a further purpose of the policy: to better recognise, regulate, and facilitate the access of communities to live music, entertainment and cultural events in order to enhance and develop the cultural life of New South Wales.

2. Place of Public Entertainment Governance

2.1 In general, Music NSW supports the transfer of functions from the Local Government Act to the Environmental Planning and Assessment Act 1979 and believes this will bring about much needed state wide consistency in the acquiring of a Place Of Public Entertainment Certificate for live music cultural experiences.

2.2 Further MusicNSW believes the streamlined approval process, shorter approval periods, will have a positive impact upon the programming of live music cultural experiences.

2.3 (a) MusicNSW proposes the inclusion of a definition of “public entertainment” in the Policy, and that in the drafting of such a definition all stakeholders involved in the provision of entertainment be consulted.

(b) Further MusicNSW proposes that the definitions clarify that entertainment provided as an ancillary activity is not to be regarded as the provision of regulated entertainment for the purposes of this Act.

3. Exemptions and Complying Development

3.1 Part 4 Exempt and Complying Development Division 1 – Exempt Development

(a) MusicNSW supports the creation of the Exempt Development category for places where the entertainment will have minimal environmental impact.

Division 2 – Complying Development

(b) In general MusicNSW supports the creation of the Complying Development category for entertainment taking place in a building subject to the conditions detailed in the policy.

(c) MusicNSW opposes the inclusion of dance parties and raves in Section 15 Part 4 (6). The articulation of such an event is inconsistent with the intent of the policy. By nature if any event is not of minimal impact it is considered to be not applicable for a Complying Development. The use of the terms ‘Dance

Party' or 'Rave' to exclude these types of events are simply semantics and semantics that change with fashions and trends, consequently the statement and intent of this clause ought to articulate the nature of any activity that exceeds complying impact.

- (d) MusicNSW opposes the intent of Section 15 Part 4 (7). Such a clause would result in most potential places of public entertainment being excluded from Complying Development. MusicNSW in supposing that this clause has been written to manage disturbance matters and local amenity issues believes that these two concerns are dealt with by other clauses and compliance instruments.
- (e) MusicNSW proposes that times considered in Section 16 Part 4 (e) relating to temporary structures particularly for Sunday requires extending. MusicNSW believes that 10.00pm on a Sunday would be a more appropriate concluding time. Further MusicNSW would like to see provisions for automatic extended hours for long weekends and provisions for special events. See 4.3
- (f) MusicNSW proposes that times considered in Section 18 Part 4 (b) be extended for Friday and Saturday nights to 1.00am under Complying Development.
- (g) MusicNSW proposes that capacities considered in Section 18 Part 4 (c)(i) be increased to 400 persons. With all essential building code standards and safety measures in place by the venue, MusicNSW believes a capacity limit of 400 to be considered for a CDC would be beneficial to the cultural development of an area without negating the aims of this policy.

4. Implementation of the Policy

- 4.1 MusicNSW proposes the consent periods for the certificates be no less than 5 years, MusicNSW believes nurturing cultural development by supporting live music venues requires investment and consistency over extended periods, such stability will allow for audience and program growth and development.
- 4.2 MusicNSW would like to see ongoing communication and training of local council officers and compliance officers responsible for the implementation of this policy to ensure the intent in relation to live music is clearly understood, appreciated and maintained.
- 4.3 MusicNSW would like Department of Planning to consider provisions within the policy that deal with the extension of hours for Complying Development for special events.
- 4.4 MusicNSW would like this policy to be implemented in such a manner as to manage prior inconsistencies with entertainment regulation, specifically the discrepancies between live music versus poker machines, broadcast sport and other televised gaming experiences.

MusicNSW appreciates the opportunity to respond to the policy and given our position as the state advocacy body for the Music Industry, believe we are a vital stakeholder in any further consultations concerning this policy and the development of subsequent regulations.

If you wish to speak to someone for further information contact Jane Powles; Director – Corporate, MusicNSW P. 96999706 F. 96999763 E. jane@musicnsw.com