

## **SUBMISSION TO THE INQUIRY INTO LIVE MUSIC IN THE ACT**

June 2010

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**On behalf of Canberra Musicians Club members**

# 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.

## 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.

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## 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
<b>Large infrequent events and festivals</b>	<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"> <li>- Maintain a buffer eg around EPIC as new Gungahlin suburbs encroach. Appropriate land uses would include open space, school, commercial or industrial.</li> <li>- Require sound proofing in homes in adjacent developments, and use berms or sound walls if necessary</li> <li>- Apply principles of order of occupancy so people moving in are aware that there may be noise periodically.</li> </ul>
<b>Regular venues for live music</b>	<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 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"> <li>- Provide assistance for appropriate sound proofing for venues and residences.</li> <li>- Zoning and order of occupancy to avoid conflict between residents and music venues</li> </ul>
<b>Community Halls for irregular events and rehearsals</b>	<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 Noise complaints</p>	<ul style="list-style-type: none"> <li>- Identify under utilised public buildings and assess needs to make them suitable venues eg sound proofing.</li> <li>- Maintain existing community facilities (issue highlighted by plans to demolish McGregor Hall)</li> </ul>
<b>Performance spaces and programs in the suburbs</b>	<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, Lack of opportunities to perform Noise complaints Transport, especially for younger people unable to drive</p>	<ul style="list-style-type: none"> <li>- Assist in providing rehearsal spaces / venues, with sound proofing if required</li> <li>- Link with schools and school curricular to support battle of bands type program, possibly associated with festivals like Indyfest</li> <li>- Develop a grants program for emerging musicians to travel and perform</li> <li>- Explore after hours transport options</li> </ul>

## 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 Indyfest.

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 <b>Section 2</b>
2 a	Community space (bollards or wall space) for promotion of events via bill posters	See <b>1b</b> 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 <b>Section 4.6</b>
c	Community venues for all – age music events in the city and town centres	Support. Addressed in <b>Section 4.4</b>
	<b>Specific terms of reference for inquiry:</b>	
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 <b>Section 4.1</b>
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 <b>Section 4.2</b>  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 <b>Section 4.3</b> .