

# Dionysus

venue, food, drinks, creativity

Ms Mary Porter AM MLA  
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Dear Ms Porter,

Canberra is dancing forward with verve. We live in a city bustling with potential and a burgeoning [Creative Class](#). To facilitate this growth, I believe Canberra's cultural development policies need to be heavily revised.

The current state of Canberra's cultural industries lead people such as myself to aspire to be elsewhere. Fortunately for the development of Canberra, figureheads of the arts community such as Frank Madrid and Bria Thomas have seen great opportunity in developing the cultural industries of Canberra, and they deserve credit for their dedication to make Canberra more livable, more vibrant. These people - including myself - have chosen to stay and strive to make this city more diverse, yet we face significant legislative obstacles that threaten to curb the cultural development of this city. Without reforming these curtailments, Canberra's reputation will not advance beyond the public servant culture it currently carries, and then the people making a difference will go elsewhere.

I am one of those passionate people with the goal to place Canberra on the national map for artistic vibrancy. After founding uniVibes - a music and arts society based at the ANU - I am now founding Dionysus, a music and arts venue showcasing local, national and international artists in a dynamic space with exceptional facilities. It is with passion that I create Dionysus yet it is with pain that I face current legislation threatening Canberra's cultural industries.

## Opening this year: Canberra's premiere music and arts venue

My friend - Adrian Threadgould - and I are set to establish Dionysus as a cutting edge manifestation of art, technology, event management and hospitality. Open for breakfast and coffee in the morning, it will transition from cafe into bar, closing after midnight seven days a week. Dionysus is primarily a live music venue designed to cater to the explosive demand for a space to witness local, national and international musicians. It will also be a gallery displaying local and touring visual art, including sculptures, paintings, digital media and performance art. Music and art will be the driving forces of our business.

Canberra's alcohol-fuelled nighttime events have drawn a negative picture of the city's music scene. Institutions like the Canberra Musicians Club and Effigy Entertainment have proven the more sophisticated potential of Canberra's nighttime audiences as well as the incredible talent of our local musicians. For so many of us, nightlife is about inspiring music and an appreciative crowd. We understand why some legislators shy away from being more liberal towards Canberra's music scene - certain venues deserve heavy restrictions - but non-mainstream music aficionados should not be suppressed by blanket attempts to reduce alcohol-fuelled violence. Dionysus is an attempt to show a more 'Melbourne' side of Canberra: we represent a culture that is distinct from alcohol-fuelled violence and focused on exceptional music. A livable city needs diversity, yet I am worried to bring that diversity to Canberra because of current legislation that is (i) too relaxed on exploitative developers, and (ii) unfair on the industry I am trying to enhance.

### We bring developers wealth: make them insulate, rather than us close down

We are doing our utmost to support Canberra's live music scene at a time when there are serious inhibitors to the long-term viability of our project. Under current legislation, our attempt to enhance Canberra's live music industry may be curtailed by residents of other buildings complaining about the sound levels of our music and outdoor crowd. Developers can - and are - spending minimal amounts on building insulation and then expect cultural institutions to limit or stop their public activities. Developers have little respect for venues such as the one we are about to open, yet they financially benefit from the cultural vibrancy we bring. Beyond being unfair to venue operators, current building requirements mean commercial developments continually threaten to erode the artistic cultures essential to any vibrant city.

We firmly believe that **building codes for residential and business development in commercial zones should be amended to ensure sound insulation and physical security are appropriate to co-location with live cultural events.** The future of a vibrant Canberra depends on these changes. We, as future venue operators, are risking the severe curtailment of our concept by choosing to operate in the ACT. Current legislation means we would face less risk of closure by opening in another city. If we are forced to cease playing live music after 10pm on busy nights we would be forced to shut down. That is the harsh reality of current building codes and the priority given to non-music oriented businesses in the ACT.

Amending current building codes means little without upgrading the insulation in current buildings. The government may choose to incite or instruct developers to properly insulate their buildings – whatever the means, all of Canberra's residential buildings need to meet the same, updated codes.

Many people in the music industry believe **the developers of residential buildings in commercial zones should properly insulate against the loud and vibrant activities characteristic of the profitable locations they choose.** It is our activities that make commercial zones central, dynamic and lucrative locations. These developers reap many millions of dollars in profit by placing an apartment block in a cultural hub. The net profit of each major residential building in the city could change the face of the music scene in Canberra; instead, they enlarge their profits by skimping on sound insulation and file a court case against establishments netting less in a year than the building in a month. The dispute surrounding the Waldorf Apartment Group and Transit Bar is a pertinent example. Similar developers make heavy profits from the vibrant culture our establishments bring. This is beyond unfair. Only the strong leadership of Canberra's lawmakers can bring justice to this imbalance, and in doing so support people such as myself to take this city beyond its permeating public service culture.

## Archaic and obstructive: revise the 50dB law

I recently discussed Dionysus with the Environmental Protection Authority. The person I spoke to was surprised, yet appreciative, of my proactive consideration of noise emission legislation. He admitted Canberra's laws are much more restrictive than other states. NSW's policy for commercial zones limits establishments' noise to 5dB above the noise of the surrounding area at the time. Thus, if the city is generating 60dB on the street – a standard level for Sydney's daytime activity – then venues become limited to 65 dB on their boundary. Sydney has legislation encouraging cultural precincts whilst maintaining reasonable noise emissions from individual businesses – yet Canberra wears a cultural straightjacket stunting vibrancy. Businesses are trying to sprout amongst archaic legislation. And thus I thank you for opening this Inquiry into Live Community Events. Its focal points, however, require broadening if this Inquiry is to seriously assist Canberra's development.

We need support and legislation that helps our industry help the city, not laws that further restrict our activities after 10pm. Current legislation expects every business *in a commercial zone* to not emit noise louder than 50dB at the boundary of the premise. 50dB is no louder than a group of people talking; no wonder Transit Bar has shortened the opening hours of its outdoor seating area. To me, this explains why less people are staying at Transit late at night.

The 50dB law annuls a festive atmosphere in the city. Imagine this law being enforced in Istanbul, where the streets are bustling with music and patrons spilling over the boundaries of each lounge and bar, blurring the lines between the walkway and an outdoor stage. Laughing and singing permeate the centre of the city, and yet people sleep quietly in zones designed for residencies. This is the mix a city should have - this is the mix most people want. Why would we want a commercial zone to go to sleep at 10pm? It's bad for business, it limits entertainment and it repels creative and interesting people from living in Canberra. Richard Florida's respected work on the economy-driving Creative Class argues that a progressive and pioneering city needs to offer cultural opportunity and diversity. The 50dB law obstructs this from happening at its full potential. This obstructs the Creative Class from thriving in Canberra.

The 50dB law is ignored by many establishments already. Rather than creating a quiet atmosphere in the city, it gives law enforcers powerful discretion over which businesses can emit noise. I often hear music easily above 60dB emanating from across the street. Just like current liquor licencing laws, the 50dB law allows powerful bias against venues. It means establishments effectively have to pander to the right people to be able to run their business the way they want. Lawmakers need to realise this happens - especially with alcohol licensing. By changing the 50dB law to something more progressive and reasonable, music venues will be able to conduct their business without interfering with others in legal ways.

Yet I suggest we think beyond the policies of NSW. Canberra is much younger than Sydney and needs legislation to help it reach the tipping points of development that Sydney has danced beyond. Emission limitations that are relative to the surrounding area prevent venues like Dionysus from *initiating* development in a particular commercial area. In this case, it would be ANU Exchange, which is currently quiet at night and needs a kick-start to get people flowing through and talking about Canberra's artistic nightlife.

**I suggest the legal limit of noise pollution be measured *at the boundary of any premise that wishes to complain about the noise*. This level should be that of an active nighttime city: 60dB. If Canberra is to approach Sydney's cultural vibrancy it needs legislation enabling the noise of this activity. Yet it also needs to remain fair to residential tenants in the area. This is why I suggested above that established developers need to upgrade the sound insulation of current residential buildings and new developers should insulate their tenants from this potential level of noise.**

**The fusion of (i) flexible boundaries for measuring noise with (ii) updated legislation for sound insulation in commercial zones will encourage the city to culturally develop without detriment to residencies in commercial zones.** People like myself would be more confident to start new cultural institutions and would not have to curtail the vibrancy of their activities for conservative and outdated legislation. Canberra's economy would drive more innovation into the national and international economy because the Creative Class would love to live here. Canberra would then further develop whilst its legislation still protects those concerned about the sound levels inside their residencies. Taking the burden off less-profitable cultural establishments and expecting developers to reasonably insulate their buildings will result in a more fair, liberal and exciting city.

### Sound is equally problematic inside our venues

This Inquiry presents the opportunity to expose a serious yet overlooked problem with many Live Community Events. A minority of event-organisers and venue operators in Canberra understand the potential problems of the powerful sound systems they install. I believe Generation Y will be characterised by hearing abrasion resulting from the music industry's insufficient education about how amplified systems should be installed and operated. Big systems are common place in bars and venues around the country, and so to is their distortion due to underrated equipment, red-lining DJs and poor sound engineering. Canberra offers its industry no indoor sound guidelines. This has already resulted in significant hearing damage for a generation of people. If organisers were more professional towards the delivery of their music, patrons would enjoy clear sound and a lifetime of healthy hearing.

Canberra could be at the forefront of sound safety and quality by gently encouraging venue operators to make informed decisions about their sound delivery. This could be achieved through the creation of non-enforceable sound quality standards that relate to the distribution, distortion and timing delays of a system. Achieving these standards would be a point of advertising and would differentiate serious venue operators from those who don't understand the importance of protecting patrons' hearing. I believe it would encourage many operators to smarten their lackluster approach to sound engineering, thereby protecting future generations of music fans in Canberra.

### Invitation to collaborate: develop Canberra's culture with Dionysus

Opening this year, Dionysus is set to become the icon of cultural development in Canberra. Situated beside commercial buildings, the surrounding area would not be bothered by the sound of outdoor conversations and lively musicians. Yet current sound requirements mean a jazz band outside is simply not allowed. "Too loud, stop that", EPA officials will be forced to say, standing beside trees and empty commercial buildings. Searching for an excuse to justify archaic legislation, the officials might cite problems posed by the not-so-near residential buildings. This is a serious concern to the venue's future. But if the officials were allowed to measure the level of the jazz band on the boundary of the *closest residential building*, rather than the beginning of an empty building, then our customers could continue to converse while others sleep on.

This would be a landmark legislative reform. But it would require significant testing in appropriate and practical environments. The directors of Dionysus would like to work with the EPA and government officials to customise noise emission legislation to suit Canberra's demand and potential. If Dionysus can help officials to discuss, test or promote new legislation, please contact us. Canberra's economic development depends on its cultural development – together, Dionysus and the Legislative Assembly can create a dynamic and well considered environment in which Canberra can grow.

The Legislative Assembly can help Canberra become a cultural capital, rather than the cultural eclipse it is reputed to be. We should not be encouraging residential development at the sacrifice of cultural development. By creating commercial zones accepting of diverse activity we can shift our cultural direction away from the barrenness of the city's past and awaken our vibrant culture and creativity in stimulating social environments. My colleagues and I move to do just that. We are impassioned to enhance Canberra's cultural diversity by fostering a strong and vibrant music scene. Please support us by reforming noise legislation in commercial zones and implementing building codes that facilitate - not curtail - cultural development.

I would be honoured to discuss these issues and suggestions further.

With respect and anticipation,

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