

Liquor & Gaming NSW
smallbars.review@olgr.nsw.gov.au.

Re: NSW Small Bar Review

The Live Music Office appreciates the opportunity to submit to the NSW Small Bar Review. With licensed premises providing a significant proportion of jobs and opportunities for musicians, also recognised in the objectives of the legislation, changes to the liquor licensing regulation framework will have implications for the development of live music and the performing arts in NSW.

Established in July 2013, the Live Music Office (LMO) works to increase opportunities for live music in Australia by identifying and advocating for better policy, regulation and strategy. Our advocacy encompasses regulation, research, audience development initiatives and support for music industry development.

There are a number of points we would like to raise in this review,

- Capacity
- Hours of operation
- Approvals process
- Standard conditions
- Access for minors
- Relationship with the planning system and National Construction Code

An important matter for consideration as part of this review is the capacity of the licence category. The Live Music Office supports the raising of the patron capacity from 60 to 120.

Industry professionals have referred to the current licence as a 'hobby licence' – inferring that the restriction on patronage to 60 in an area with high commercial lease rates on top of other operational costs means the licence is barely profitable.

For employing artists, the restriction on capacity by association restricts margins from food and beverage sales that would provide for employment of artists.

A 120 capacity licence would also align with associated corresponding local and interstate regulation.

- The South Australian Small Venues Licence provides for a maximum capacity of 120 persons (including internal and external areas).
- Category B – Low Impact Premises Under the City of Sydney's Late Night Trading Premises DCP 2007: i.e. premises with a capacity for 120 patrons or less (including outside areas) and for which the primary purpose is the sale of liquor for consumption on the premises.

The Live Music Office would also support both the availability of extended trading hours for small bars from 10am until 5am and the exemption for small bars from the CIS requirements of the Liquor Act.

We also support the maintaining of 2am standard trading conditions as well as a continuing exemption from the liquor freeze as is currently applied to the existing

60-cap licence.

Currently a cohort of on-premises restaurant licenses provide live entertainment across NSW, which may be perceived by the community as being small, bars, but are actually restaurants with a PSA for their approval. Also providing these businesses the opportunity to transfer to a small bar licence without onerous or expensive process (which would then provide simplicity and clarity for compliance) could be a matter for consideration in this process.

A further standard trading condition should be that minors be allowed under certain conditions provided a responsible adult accompanies them as the liquor act provides for under s.121 'minors area authorisation' in Hotels.

The review discussion paper references points around the uptake of small bar licenses since their introduction, including factors such as licence conditions, and costs and time associated with regulatory processes and compliance. Licence applications must also have a development approval, which encompasses certification, permitted use and zoning, statement of environmental effects etc through the local council. The Live Music Office proposes that Liquor and Gaming NSW partner with City of Sydney and other councils in providing case management guidance or support to provide co-coordinated assistance for applicants in negotiating the planning, building assessment and liquor licensing system.

Important regulation reforms are being delivered for live music and entertainment in South Australia at this time. The Live Music Office will submit on this work further subsequent to an expected announcement in coming weeks of the findings of the 90-day change project 'Streamlining Live Music Regulation'. The Live Music Office has been partnering with the SA Music Industry Council in advocating for low risk responses from the National Construction Code as well as for exempt development specifications for live music and performance under the SA planning system - which would be achieved in NSW by an associated variation to the *State Environmental Planning Policy (Exempt And Complying Development Codes) 2008*.

The commencement on May 1 2016 of the SA Small Arts Venue class 6 building variation (see attached) under the 2016 National Construction Code significantly reduces compliance obligation and costs whilst still ensuring proportional safety requirements. For the development of live music and performance in NSW, adopting these associated building and planning regulations would cut cost and red tape for small bars wanting to present live music as a major part of their business.

In closing, the small bar licence would be significantly more capable of providing for employment for artists with a raised capacity, the inclusion of standard trading conditions for all ages, CIS consideration and extended trading hours as well as being supported by associated changes to the National Construction Code and the *State Environmental Planning Policy (Exempt And Complying Development Codes) 2008*.

We thank Liquor and Gaming NSW for the opportunity to submit to this review, and look forward to maintaining further communication as the consultation progresses.

Yours Sincerely,
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