

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.



Lolo Lavina performing at Cafe Carnivale.
Image:shanerozario.com

Case study 1

The **Side Entrance** is a small restaurant bar in the Sydney CBD that serves snacks and cocktails late into the night. They want to engage a jazz trio to play on Friday and Saturday nights. 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.

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.”

Dale Barlow – Jazz musician and composer



Further information

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Bringing back the music



Making it easier for restaurants, pubs, clubs and cafés to have live entertainment

What's the difference?

Old system	New system
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.	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 cafés .
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.	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.
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.	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 cafés . 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, cafés and clubs no longer need additional approval to have live music. Venues across NSW can now offer musicians more opportunities to perform.

“ **Business owners can now enliven their spaces, and musicians will get to play more often and please us all. It's time to get Sydney's pubs and clubs and restaurants moving again.** ”

Tim Freedman – The Whitlams

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.