

The Hon. Paul Green MLC
Chair
Portfolio Committee No 6. – Planning and Environment
portfoliocommittee6@parliament.nsw.gov.au

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Dear Mr Green

THE MUSIC AND ARTS ECONOMY IN NEW SOUTH WALES

Thank you for the opportunity for Wollongong City Council to appear before Portfolio Committee No 6 – Planning and Environment on Wednesday 4 July 2018 for the inquiry into the music and arts economy in NSW.

Please find attached Council's response to the questions taken on notice at the hearing.

Please contact Mark Grimson, Economic Development Manager should you require further information.

Yours Sincerely

David Farmer
General Manager
Wollongong City Council

Questions on Notice Hearing 4 July 2018 Wollongong City Council

1.

The CHAIR: Have you had anyone make any submission against that 149 certificate disagreeing with that issue or legally challenging such a clause on their 149 certificate?

Mr Grimson: To give you an absolute answer, I am not aware, but I could take that on notice.

Response: No, Wollongong City Council is not aware of any challenges or complaints to the notation.

2.

The CHAIR: Can you table the following documents: the Evening Economy Action Plan, the Live Music Action Plan, the Creative Spaces Strategy and the Public Arts Strategy. It would be helpful if you can take that on notice and send it to us.

The Evening Economy Action Plan and Live Music Action Plan are available at:

<http://www.wollongong.nsw.gov.au/services/artculture/Pages/default.aspx#gref>

The Public Arts Strategy is available at:

<http://www.wollongong.nsw.gov.au/services/artculture/Pages/publicart.aspx>

Wollongong Creative Spaces is available at:

<http://www.wollongong.nsw.gov.au/services/artculture/Documents/Creative%20Spaces%20Info%20Pack.pdf>

3.

Ms Dawn Walker: My other question relates to the conservatorium of music, which I understand is also another important aspect of your regional arts economy. Is there a plan to accommodate the conservatorium at the end of its lease in 2023 and does Council have a role in that?

Mr Grimson: I would have to take that on notice. It is not an area for which I am responsible.

Response:

The Wollongong Conservatorium of Music currently lease buildings in the Wollongong Botanic Gardens site. The site is a Council owned parcel of land that is classified as Community Land. The Conservatorium has indicated it would like to remain onsite and a lease negotiation will be undertaken towards the end of the current lease. It will be the role of the Council of the day to approve any proposed lease extension and conditions.

4.

The Hon. Catherine Cusack: Who convenes that Night Time Economy Councils Committee? Which Councils have participated in it?

Mr Grimson: I believe it is under the auspices of Local Government NSW. The councils that sit on the committee include Wollongong, the City of Sydney, the City of Newcastle, the City of Parramatta, Waverley Council, Liverpool, City of Bankstown, Lake Macquarie and the Northern Beaches. I believe those are the members of that group.

The Hon. Catherine Cusack: I apologise, perhaps you can take it on notice, or we could get the list from Local Government NSW, the 30 councils that participated –

Mr Grimson: In that forum in October?

The Hon. Catherine Cusack: Yes

Mr Grimson: they certainly have a list of those.

Response:

The Night time Economy Council's Committee members are: City of Sydney, City of Parramatta, Wollongong City, Newcastle City, Waverley, Liverpool City, Northern Beaches, Lake Macquarie City, Canterbury-Bankstown Councils and Local Government NSW (LGNSW).

According to LG NSW, the following councils participated in the NSW Councils Night Time Economy Forum: Blue Mountains City Council, Camden Council, Campbelltown City Council, Canterbury Bankstown Council, Central Coast Council, City of Parramatta, City of Ryde, City of Sydney, Coffs Harbour City Council, Fairfield City Council, Georges River Council, Hawkesbury City Council, Inner West Council, Lake Macquarie City Council, Liverpool City Council, Maitland City Council, Newcastle City Council, North Sydney Council, Northern Beaches Council, Penrith City Council, Port Macquarie Hastings Council, Port Stephens Council, Queanbeyan-Palerang Regional Council, Randwick City Council, Sutherland Shire Council, The Hills Shire Council, Wagga Wagga City Council, Waverley Council, Willoughby City Council, Wollondilly Shire Council, Wollongong City Council and Woollahra Municipal Council.

The Hon. Catherine Cusack: It would be interesting to get their feedback. The night time economy plan was to 2018. Is there a new plan? Has there been an evaluation of the plan that is coming to completion?

Mr Grimson: We are in the process of revisiting the plan as we speak; we are just starting to go through that process and that is being led by our cultural services area. I would have to take your question about an evaluation on notice.

Response:

Wollongong City Council is currently undertaking a review of the Cultural Plan 2014-18.

5.

The Hon. Shayne Mallard: It would be remiss not to ask about the Coalcliff surf club submission which has not been published, because they will be giving evidence before this Committee later today.

Mr Grimson: I am not familiar with that submission. I cannot speak with any authority about it.

The Hon. Shayne Mallard: Please take this question on notice. They have given a detailed submission about their operation as a live music venue, which used to operate once a week and now operates once a month. They allege that after four years of operation, the surf club received its first sound complaint via email from a local resident of Coalcliff. These complaints continued for two years and eventually the council closed down the venue. The complainants argue that the venue is not compatible with live music and the surf club argues that if that is the case then what venue is compatible with live music? Legal advice was taken by council about the allegations and they were told that they would not win the case in the Land and Environment Court.

Response: This is not correct. Council did not seek legal advice other than from internal General Counsel, who advised that Council is on solid ground with its position. The land is zoned RE1 Public Recreation and the advice from Council's Planning Division is *-There also appears to be no permitted use listed in WLEP 2009 under the RE1 zoning which would allow a "public" music venue or similar commercial use to be relied upon.*

The Hon. Shayne Mallard: I would appreciate a response, because the club has lodged a detailed submission. My colleague with a red and yellow cap in his car would appreciate an answer on behalf of the volunteers, because this is a community organisation that is being limited in holding live music events.

Response: Council has had considerable conversations with the Club Executive and advised the legal status of the land in terms of the categorisation under the Plan of Management and the Zoning under the LEP. As stated above the current zoning of the site at RE1 does not allow *"a public music venue or similar commercial use"*. As per correspondence with Council and the proponent on 2 March 2017, *'should the club wish to hold live musical performances at the Surf Club it will need to obtain the applicable Development Consent.'*

6.

The Chair: As noted earlier, the built up environment around these reception centres is having more and more of an effect on live music events. We are looking at whether it is fair for people who live close to venues to complain about these events. Do you have statistics about alcohol related offences being lower? Please give us a snapshot of what is happening with drug and alcohol related issues in the evening economy. You have told us that these statistics have dropped by 5 per cent, but that could mean two people or 2,000 people. Do you have the actual number of people?

Mr Grimson: I might need to take that detail on notice. As I said earlier, in terms of alcohol related assaults as an indicator of crime in the evening economy, those are down 12.5 per cent on average over the last five

years. Wollongong's statistics have not always been as positive as that, but we have seen an increase in the number of licensed venues at the same time that alcohol related crime statistics have continued to decline.

Response:

The overall count of alcohol-related assaults (non-domestic) in the Wollongong LGA in the year to December 2013 was 478. This fell to 284 in the year to December 2017.

(Source: NSW Bureau of Crime Statistics and Research BOSCAR)

**Supplementary questions on notice
Hearing 4 July 2018
Wollongong City Council**

1. Further to the question council took on notice regarding the Bombie Bar:

a. Who owns the Coalcliff Surf Clubhouse?

Wollongong City Council.

b. What is the management relationship between the Coalcliff Surf Clubhouse and council?

Council owns and the Surf Club occupy the Club – Council maintains the facility and also operates its beach lifeguard service from the building six days a week in the swim season (Oct to April).

c. Is the clubhouse situated on Crown land?

No, it is on Council owned Community Land.

d. Is the property leased or licenced?

Not at this time. Council is endeavouring to have all clubs enter into a lease.