

## Live Music Checklist

For both live music venue operators and developers it can be difficult to know where to begin and what to anticipate when navigating this relatively new and untested area of law.

Before applying for a permit, there are key questions that all parties need to ask themselves in order to avoid legal uncertainty and possible missteps. The questions also apply if your venue is the subject of a complaint, or if you are a resident in the vicinity of a live music venue who wishes to lodge a complaint.

This checklist is a helpful tool for navigating the process, however it is intended only to provide a summary and general overview on matters of interest. It does not constitute legal advice. You should always seek legal and other professional advice which takes account of your individual circumstances

### Existing Uses in the Area

1. Who is using land in the area now? For what? How long have these uses been there?
2. Do the existing uses have planning permits? If so, what are their conditions and are those conditions being complied with? If not, what breaches exist currently?
3. Are there any relevant liquor and/or gaming licence(s) on any land in the vicinity? If so, what are their condition(s)? Any noise condition(s)? Are they being complied with? What breaches exist currently?
4. Are the existing uses currently operating harmoniously? If not, what problems exist? How are these being currently addressed?
5. Are there any current noise issues? What? Constant or intermittent noise?
6. How being addressed? Is anyone losing sleep due to noise? What records exist?
7. What noise measurement has occurred? Who did it? Where are those records?
8. Has anyone been prosecuted? For what? By whom? When? Outcome?
9. Are there other associated issues – smell? hygiene? fumes?
10. What are the reasonable expectations of existing land users? Why?
11. What are the planning scheme zones and overlays for the area now?
12. Are there any relevant planning scheme amendments?

### Change

1. Precisely what change to the *status quo* is planned?
2. By whom?
3. For what purpose?
4. Where?
5. At what point in time will the change occur?
6. At what time of the day will additional noise elements operate?
7. What are the likely impacts? On whom? When? For how long? Why?
8. Does the application include all the elements of CI52.43-4?

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## New Live Music Venue

1. What planning permit(s) and/or EPA licence(s) exist in respect of the site? Are all conditions being complied with?
2. Change to an existing venue? Size of venue - >/< 500smq?
  - Precisely what changes are planned to the venue's use?
  - Are any building extensions, renovations or works planned?
  - Is the venue a:
    - hotel? a residential hotel?
    - food and drink premises?
    - nightclub?
    - function centre?
    - other venue used for performances?
  - Is it a rehearsal studio?
  - Have you applied for noise attenuation grant?
  - Is it a heritage listed premises? Heritage grant?
3. Indoors or outside? If inside, precisely where within the building?
4. Does the building have open windows and doors – or is it all closed?
5. Live music only? Pre-recorded music only? A mix?
6. What steps are planned to attenuate the noise? How much will these cost? Do I need to pay? If not who does pay?
7. Are there objectors? What are their concerns eg traffic, unsociable behaviour?
8. If noise is one of the objectors' concerns, precisely what is the basis of the objection? For example, noise of patrons and cars exiting the venue late at night?
9. Has there been any agreement about noise issues? With whom? When? Conditions and terms of agreement?
10. What other live music venues exist in the vicinity now? Where? What noise are they currently emitting? Are they in breach of any relevant planning permit(s) or licence(s)?
11. Does music from any venue currently impact the surrounding area? How? Over what periods?
12. What sensitive uses exist within the 50m buffer zone? How have I checked this?
13. What measures will be required to ensure there is no unacceptable future impact?
14. What impact might occur outside this 50m zone?
15. What is the existing noise? Does the existing noise exceed relevant noise standards? How did I measure this? Have I ascertained the standard?
16. Who can report noise and to whom? And when? How might this impact the operations of the proposed live music venue?
17. Will different noise standards apply at night?
18. If planning application is rejected should I appeal?

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## New Residence

1. What planning permit(s) exist in respect of the site? Are all conditions being complied with?
2. Is this an entirely new residential building?
3. Is it an extension or alteration of an existing residence? Full details.
4. What type of residence is proposed – apartments, dwelling house, some form of communal residence. If communal, is the building a:
  - boarding house?
  - dependent person's unit?
  - nursing home?
  - residential aged care facility, residential village or retirement village?
5. Are there objectors to the proposal? What are the core concerns of the objectors?
6. If noise is one of the objectors' concerns, precisely what is the basis of the objection?
7. What live music venues exist in the vicinity now? Where?
8. Does music from the venue currently impact the surrounding area? How? Over what periods?
9. Does the site fall within the 50m buffer zone of an existing live music venue?
10. What impact might exist outside this 50m zone?
11. What is the existing noise? Does the existing noise exceed relevant noise standards? How did I measure this? Have I ascertained the standard?
12. Who can report noise and to whom? And when?
13. Will different noise standards apply at night?
14. If planning application is rejected should I appeal?

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