

# KELLEHERS AUSTRALIA

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## In-House Memorandum

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### ***Live Music Reforms: The Agent of Change***

An important 'Agent of Change' principle is now taking shape in relation to live music in bars and pubs. The principle places the onus for remedial measures on the party seeking to change the *status quo* – i.e. the developer – be it for a new venue or a new residence. It seeks to ensure that the reasonable expectations of existing land users are respected.

A recent example of planning issues concerned the Cherry Bar situated in AC/DC lane in Melbourne's city. Faced with an influx of new residents in a new apartment complex adjacent to the venue, and without the aid of the 'agent of change' principle, the operators secured financial support through crowd funding for the expected \$90,000 required for soundproofing the venue and heading off complaints from the new neighbours.

A suite of State Government reforms, known as the 'Live Music Action Agenda', effectively places the onus for noise management onto any new entrant to an area. This new entrant is the 'Agent of Change'.

The Live Music Action Agenda ('Action Agenda') has been developed to safeguard and support the Victorian live music sector and provides reforms in the areas of licencing, planning, building, an assistance package and a review of environmental and noise controls<sup>1</sup>. The Agenda was jointly announced on 4 August 2014 by the Ministers for Planning (Hon. Matthew Guy MP), Liquor and Gaming Regulation (Hon. Edward O'Donohue MP) and Environment and Climate Change (Hon. Ryan Smith MP)<sup>2</sup>.

The Action Agenda is said to build on work by the government's Live Music Roundtable, established in July 2012, which brought together music industry representatives, licensees of live music venues, government officials and Victoria Police to effectively address liquor licencing issues affecting live music. The Roundtable evolved from concerns by musicians, venue owners and music fans when tighter liquor licencing controls were introduced to curb alcohol-related violence. It responded to submissions from live music advocacy groups, including S.L.A.M., FairGo4LiveMusic and the State's music peak body, Music Victoria.

The Action Agenda proposes to introduce a new Practice Note that will help planning applicants and decision-makers decide how to address the 'Agent of Change' principle. It also proposes that the State Planning Policy Framework will change to include building and urban design techniques. In addition, the Action Agenda proposes a review of SEPP N-2 (Control of Music Noise From Public Premises) and the creation of a \$500,000 assistance package to soundproof venues<sup>3</sup>.

An implementation timeframe has not yet been announced, however it is possible that reforms will be introduced prior to the Victorian State Election in November.

Jonathan Williamson  
4 August 2014

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<sup>1</sup> 'Live Music Action Agenda', Department of Transport, Planning and Local Infrastructure (DTPLI, 2014), p.1

<sup>2</sup> <http://www.premier.vic.gov.au/media-centre/media-releases/10610-live-music-rocks-under-naphthine-government.html>, accessed 29/8/14

<sup>3</sup> See: [http://www.dpcd.vic.gov.au/\\_data/assets/pdf\\_file/0010/224983/Live-Music-Action-Agenda\\_August-2014.pdf](http://www.dpcd.vic.gov.au/_data/assets/pdf_file/0010/224983/Live-Music-Action-Agenda_August-2014.pdf), accessed 22/8/14

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