What are the major barriers for putting on more all ages shows/festivals? Where do you see best practice in this space? Regulatory Inconsistencies

The greatest barriers are financial.

The challenge is finding a ticket price that keeps an event economically inclusive while still covering the full cost of presenting it. Those costs include artist fees, equipment, production, promotion, administration, organisation, staffing and venue operations. Much of the administrative and organisational work is currently provided by me at no charge.

Even in the best-case scenario, the event may only break even, while the venue carries almost all of the financial and operational risk. This includes insurance, superannuation, complaints management and compliance with governing bodies such as local government and licensing police. Too often, these authorities appear to operate on the assumption that a safer community is one without live music or people socialising after 9 pm on a Saturday night.

If customers attend an event but do not spend money or otherwise support the business, the event runs at a loss and will eventually become unsustainable. All-ages events are valuable because they welcome young people and families into the live music community. However, patrons aged between 10 and 17 may purchase only one or two soft drinks, if any. There is nothing wrong with that, but it means the venue receives very little additional income to offset the cost of opening, staffing and operating during the event.

The longstanding model in which alcohol sales subsidise live music is fundamentally broken. Responsible service of alcohol means that many patrons will have only one or two drinks during a show, and the revenue from those sales is often not enough to cover staffing costs.

At the same time, electricity, insurance, superannuation and wages have all increased, while staff shortages continue to place additional pressure on venues. The numbers simply no longer add up.

These rising overheads are compounded by restrictive legislation and compliance requirements that limit growth and make live performances increasingly difficult to stage. The most obvious response is to increase ticket prices, but that creates further problems. Higher prices reduce attendance, make events less accessible and can result in a narrower demographic. Patrons who have already paid a significant ticket price may also feel they have contributed enough financially and may be less inclined to spend money at the venue.

Without a more sustainable funding and regulatory model, venues are being asked to carry an unreasonable level of risk simply to keep live music accessible and alive.

The Committee has heard concerns regarding disconnect between local councils and NSW Government agencies.
(a) Can you provide examples where conflicting rules or approvals processes have created barriers for live music events?

“Live music is exempt development” — provided, in much smaller print, that it does not breach existing consent conditions.

In practice, that qualification makes the exemption almost meaningless.

Businesses are generally subject to the same acoustic condition, commonly expressed as LA10: noise generated by the premises must not exceed the background noise level by more than 5 dB when measured at the property boundary. The background level may be determined by averaging sound measurements over a period of 10 to 14 days, 24 hours a day.

In my view, almost any operating hospitality business with customers inside it could potentially exceed that condition, whether or not it presents live music. Ordinary conversation, doors opening and closing, patrons arriving and leaving, and the general activity of a functioning venue all create sound.

Rather than working constructively with my business, Kiama Council accepted repeated complaints against the venue and spent more than $10,000 commissioning a detailed acoustic report. The measurements were taken from the complainant’s balcony in a zero-boundary apartment development located within the town’s business zone.

Because the report found that the venue exceeded its consent conditions, Council determined that live music was not exempt development, despite music being ancillary to the primary operation of the business.

The NSW Government said that a “common-sense approach” would be used to revitalise the state’s damaged live music industry. In my experience, there has been no common sense. Our community is deeply disappointed, and its overwhelming support has effectively been disregarded.

During the development application process, Kiama Council received 206 public submissions. More than 95 per cent supported the application. Despite this, one of the stated reasons for refusal was that the proposal was “not in the public interest”.

This is particularly difficult to reconcile with Council’s own stated objective:

“To protect and promote the use and development of land for arts and cultural activity, including music and other performance arts.”

For six years, I believe I have been subjected to sustained and unreasonable enforcement action by my local government.

I began with a simple ambition: to create a welcoming live music space after touring musicians repeatedly described this part of the NSW South Coast as a “black hole for touring”. As I investigated the planning pathways available to establish such a venue, the NSW Government was introducing vibrancy reforms under slogans such as “Bring the Fun Back” and promising a more balanced, common-sense response to noise complaints.

I attended numerous NSW Government seminars and sought advice from consultants and industry professionals so that I could properly understand and comply with the reforms. Despite these efforts, Council continued to send warnings, stop-work orders and allegations that I was trading illegally, operating without consent, exceeding approved hours and exceeding capacity.

Council representatives also made public statements suggesting that the venue was a fire hazard.

These allegations were repeatedly made without Council first meeting with me to understand how the business operated, including the fact that live music was not its primary commercial purpose. Nor did Council appear willing to work with me to resolve its concerns or establish an evidence-based response to complaints from neighbouring residents, many of which I believe were inaccurate or unsupported.

At one point, Kiama Council’s Director of Planning told me that the venue was “too bar-y”. When I asked what that meant, she referred to the tables, chairs and trading hours. However, a café is defined as a food and drink premises serving light food and beverages. The definition does not prescribe particular furniture or operating hours.

A Council compliance officer also asserted that live music was my primary source of income. That is incorrect. Council had never asked me to explain the financial structure of the business.

The money paid by patrons for performances is passed on to the artists. The venue earns its income through food and beverage sales. To date, the business has contributed more than $350,000 to musicians.

Council later issued me with a penalty infringement notice carrying a $3,000 fine for alleged “non-compliance”. When my solicitor asked the compliance team to identify precisely what obligation had not been met, Council did not provide an answer. It is impossible for a business to remedy a compliance issue when the alleged breach is not clearly explained.

The matter proceeded through five court appearances. Council incurred approximately $70,000 in barrister fees, funded by the community, and produced a 495-page Statement of Facts.

After the material was reviewed by my solicitor and barrister, the agreed Statement of Facts was reduced to four pages. Much of the remaining material consisted of allegations from hostile neighbours that were not supported by independent evidence beyond their affidavits. The proceedings were ultimately withdrawn.

By that stage, the total cost to the community had exceeded $100,000. Council then sought to make me pay those costs in addition to my own legal expenses, which were close to $40,000. The magistrate found Council's claim was not reasonable.

The process ultimately cost me approximately $65,000, while the community bore the remaining expense.

To my knowledge, there has never been any meaningful public examination of how or why this occurred. From my perspective, the enforcement process appeared designed to exhaust my financial resources and force the business to close.

For the past two years, I have continued investing in consultants and specialist advice to change the approved use of my licensed food and drink premises from a café to a bar, because Council advised that this was necessary.

Council requested that I lodge a development application, indicating that it supported what the business was doing in principle but that the operation did not fit within the appropriate planning category.

Since then, Council has asked me to withdraw the application twice and has refused it once. I am still waiting for a final determination after spending well over $100,000 on the application and the professional reports required to support it.

During the assessment process, it has appeared that Council has been searching for reasons the business should not be permitted to trade, rather than identifying a workable pathway for approval.

In January 2025, after my consultants and I had prepared what we believed was a robust and reasonable proposal, I paid for a pre-development application meeting with Council. The meeting involved several Council planning officers and members of my consultant team.

Council provided a lengthy list of reasons it believed the application might not succeed. We addressed those concerns and formally submitted the development application in May 2025.

Despite the financial pressure, the legal costs and the repeated regulatory obstacles, I have not walked away. I believe live music matters. It creates community, supports artists, brings people together and contributes to the cultural identity and economic life of a town.

There are not many small venue operators who are willing or financially able to withstand this level of pressure. That is one of the reasons the live music industry remains under such serious threat.

Government policy cannot claim to support live music while local regulatory systems make it practically, financially and legally impossible to present it.

(b) What is the cost of those inconsistencies for small operators?

The most significant cost is the loss of confidence to invest.

I no longer trust my local government to provide a clear, consistent or supportive regulatory environment. Small operators already carry substantial financial, personal and operational risk when organising live music events, particularly festivals. When every decision requires Council approval, and the rules appear restrictive, inconsistent or subject to changing interpretations, the incentive to invest time, money and energy quickly disappears.

I am a key contributor to the annual Kiama Jazz and Blues Festival and volunteer hundreds of hours each year to support live music, local businesses and the broader community. Delivering a festival of this scale requires an enormous amount of unpaid work, coordination and commitment.

However, I am increasingly unsure whether I can continue. Knowing that we must repeatedly push against an overly controlling and restrictive local government simply to create cultural activity makes participation exhausting and unsustainable.

The cost is not limited to individual businesses. It leads to fewer events, reduced investment, volunteer burnout, lost income for artists and local traders, and a weaker cultural life for the entire community.

When local government is perceived as an obstacle rather than a partner, it becomes one of the greatest risks to the growth and survival of culture in the community.

What evidence have you seen that first-time attendees who receive subsidised or free tickets subsequently become paying customers?

At a time when household budgets are under increasing pressure, asking patrons to commit to purchasing a ticket can be a significant barrier, particularly when they are unfamiliar with the venue, the artist or the type of experience being offered.

We are fortunate that our existing audience trusts Fillmore’s. That trust has been built over many years through consistent programming, high-quality performances and a strong focus on audience experience. However, first-time attendees do not yet have that confidence.

People increasingly want to understand exactly what an event will feel like before they spend money on a ticket. This is why video content and social media promotion are so important: they help potential patrons see the atmosphere, quality and character of the experience before deciding to attend.

Free or subsidised tickets remove the initial financial risk and allow new audiences to experience the venue and the performance firsthand. Once they have attended, the responsibility shifts to the venue and the artist to deliver an experience strong enough to encourage them to return.

In our experience, this approach is effective. People who discover Fillmore's through a low-cost or free event often return because we have worked deliberately to create a welcoming, inclusive and high-quality space that feels like home.

For us, free and subsidised access is not simply a discounting strategy. It is a form of audience development. It gives people the confidence to try something new, builds trust and creates a pathway from first-time attendance to long-term, paying participation.