

How should we plan and regulate live music in Australian cities? Learnings from Brisbane

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Abstract

Live music has been subject to particular economic and regulatory threats in recent decades. Comparative research of regimes for the planning and management of live music venues was conducted in Brisbane, Sydney and Melbourne over the period 2008-2010. Methods included archival and legislative reviews, field visits and interviews with key authorities, venue operators, live music campaigners and other actors. This paper gives particular attention to Brisbane's place-based approach, which replaced previous noise, planning and liquor laws to create legislated 'Entertainment Precincts'. Operators are granted certainty for investment, with increased protection from incompatible development and noise complaints if they are located in the designated area. In Fortitude Valley the night-time economy has prospered, preserving and supporting a number of live music venues and giving increased protection to a set of night-club operators. This functional separation and concentration in Brisbane differs significantly to Melbourne, with its more liberal approach, and diffused venues. Brisbane is effectively placing the 'problems' in one key site, leaving the rest of the city with few live music or night-time entertainment options. The paper explores these outcomes and provides options for cities seeking to preserve live music, create accessibility to the night-time economy, but retain amenity for residents.

Introduction

A decade ago in Brisbane, a small live music venue named The Press Club sat next to the former headquarters of the defunct *Sun* newspaper in Fortitude Valley. The abandoned offices were redeveloped into the Sun Apartments, following planning approval. The new residential complex shared a wall with the existing live music operator (see Figure 1) as well as having a nightclub underneath. Noise complaints ensued and under the regulatory frameworks of the time, particularly noise and liquor law, The Press Club was forced to effectively cease live music performance. With continued gentrification of Fortitude Valley other venues faced a similar fate. Following a popular and well-funded campaign a set of changes were enacted to save 'the Valley' as a place for live music production and consumption (Flew 2008). Innovative planning regulations along with changes to liquor and noise laws, have given key rights to venue operators, and concentrated much of the night-

time economy into one site in Brisbane. But little research has been done of the efficacy of this approach, or its suitability in managing a key planning problem.



Figure 1. The Sun apartments in Fortitude Valley (left) adjacent to The Press Club (right)

Live music may be defined as ‘music performed in public by at least one person in real time, that is, not pre-recorded’ (Hanson, Hayward and Phelps 2007:12). Though there are many genres, it is the popular music forms played in pubs, clubs and hotels that are a focus in this paper, as they are the focus of most regulatory debates. It is difficult to disentangle this live music, per se, from the broader realm of the night-time economy. As Hadfield et al. (2009:465-467) notes, attempts to organise and control the night-time economy are ‘riddled with tensions and ambiguities that reflect the ad hoc nature and rapid escalation of the regulatory architecture’ (p465) including the rise of local partnerships that include public and private security and governance. Planning is implicated, given its role in development approval and regulation of land use, and live music performance is considered within policy, though often in contradictory ways.

In theory, planners may want to plan *for* live music. Live music is often regarded as an important element of contemporary urban culture, helping shape the way people experience and remember each city (Cohen 2007:37). Live music venues may attract people to a city or into the city centre; they may support cultural expression and cross-cultural interaction; they help create a sense of place; and, they provide a key social and recreational outlet for urban populations (Flew 2008; Gibson and Connell 2005; Turner 1999). Live music also generates significant economic value for cities. A recent report by Deloitte Access Economics (2011) suggests this sector made a direct contribution (without multiplier effects) of \$301 million to

the state of Victoria's gross state product in 2009/10, directly creating approximately 14,900 full-time equivalent jobs. Live music sits neatly within the 'creative class' hypothesis and the number of working musicians and composers in a city is a key variable in Richard Florida's 'Bohemian Index', which he argues helps explain the attraction of talented and high human capital individuals to cities (Florida 2002). Reactions to the loss of live music venues in Australian cities, such as The Press Club in Brisbane, the Hopetoun Hotel in Sydney, and the Tote Hotel in Melbourne, have received much popular attention and critical self-reflection from music consumers and the commentariat (Adams 2010; Thomas 2000; Tovey 2009).

Of course, planners may also plan and regulate to *control* live music to contain its deleterious impacts. The key problems are primarily the noise and vibration of amplified music, and the noise and unsociable behaviour of patrons, which lead to conflict with noise sensitive land uses, such as residential dwellings, community facilities and public spaces. Residents in particular have a reasonable expectation of not suffering noise of excessive volume inside their dwelling. And there are very clear relationships between noise levels, sleep disturbance and human health (Muzet 2007). Planning to resolve the conflict that ensues is reflective of the long history of urban planning as a public health intervention. But that conflict may be exacerbated by urban gentrification, with residential development encroaching ever closer to existing venues in the inner city in recent decades (Radbone 2002:13). All of Australia's major cities have metropolitan plans supporting urban consolidation, suggesting this trend will continue (Thompson 2007:152). How planners should meet both the objectives of encouraging live music, and controlling its excesses, is not clear, with little published on the problem from a planning perspective. Nor has it been clarified what planning approaches or planning styles should be used in seeking to attain improved outcomes. Beer (2011:146) suggests that success in delivering on the liveability goals of contemporary metropolitan planning 'almost certainly require(s) the conscious addressing of amenity tensions such as those found between the hospitality and entertainment sectors of the (night-time economy) and residential land uses...'.

This paper explores the approaches being taken to preserve and manage live music and its negative aspects in Australian cities, in the face of the many challenges affecting the sector. Though the approach and methods are comparative, with research undertaken on the planning and regulatory regimes existing in Brisbane, Sydney and Melbourne over the period 2008-2010, the focus in this paper is on the Brisbane case, which has marked differences in

approach and outcomes. The research methods included a review of archival material, key literature, legislation and policy; field visits; and, interviews with key authorities, venue operators, live music campaigners and other key actors in the three cities. The paper is organised in four parts: a broader introduction to the problem of planning and regulating live music in cities, an explanation of the aims and research methods, key results for Brisbane, and a discussion attempting to provide ways forward for improved policy. The essential thesis of the paper is that live music venues are facing many threats, of which outdated planning controls are but one, and that improved planning concepts and methods are available. In particular, responsibility needs to be placed on the change-agent in new developments (whether this be a music venue or a residential complex) and venues provided with clear rules as to the maximum noise levels they can emit at their premises, at what times, to allow in-fill development yet maintain residential amenity. The Brisbane experiment shows ways forward, but raises further questions for resolution.

Background

The music industry is influenced by a ‘complex set of interconnected cultural and economic factors (Hayward 1992:4), including the nature and scale of government support, intervention, regulation and provision of infrastructure (Turner 1999:145). This in turn influences the music ‘scene’ in a city. Economic factors include land rents, which have increased markedly in former industrial inner-city neighbourhoods, the costs of maintaining venues and keeping them compliant with regulation (fire safety, noise, etc.), costs associated with development approvals, licensing fees and the lower economic returns that live music performance provides as opposed to other forms of entertainment, most notably high-revenue poker machines. Land rents are particularly problematic, as previous venues are lost to ‘higher and better’ uses. Urban renewal is not often kind to existing live music venues (Cohen 2007:205-206).

Cultural policies are employed in Australian cities but they have primarily been used to support opera, orchestras, dance, theatre and the visual arts. Such selective support is on the basis that these cultural forms have intrinsic worth to the community and would not be commercially viable without government support (Flew 2008). Only recently has support been slowly given to popular music forms, but often as part of broader arts grants and investments. The provision of venues is one area where the state is perhaps playing a larger

role. Two of the better performance venues in Brisbane today are the Judith Wright Centre, almost opposite The Press Club, and the Powerhouse complex in New Farm, Brisbane, one suburb away, both of which received government funding for construction and ongoing support, but which service a much broader array of the arts and for which live music is not always a priority. Governments may also support music industry representation, such as the funding provided to the peak industry body Q-music in Queensland (Flew 2008) assist industry development through summits and workshops such as Queensland's *BIGSOUND*TM, or provide grants to emerging artists. However, if cultural policy is not supported by complimentary regulatory frameworks that, at the very least, reduce the threats posed by encroaching residential development, much of this may be in vain.

Live music venues do present problems. Deleterious impacts include noise emissions, unsociable behaviours of patrons, abuse of harder drugs and violence and destructive behaviour (Sellars 1998:611-612; Xie, Osumare and Ibrahim 2007:452). To manage these problems, Australian state and local government authorities employ legislative and regulatory controls and other policy, including specific local planning and liquor licensing regulation. These controls can work against long-running venues, if poorly designed. Homan (2008) has provided the most lucid account of the impacts of poor regulation on Australian live music, noting how the Sydney popular music scene, focused on clubs and hotels, has shifted strongly to poker machine entertainment. He provided examples of venues shut due to a single noise complaint. Key characteristics of poor regulation and policy cited include inappropriate crowd control/security regulation (as notably applied in Melbourne), a general paucity of coherent music policy at state government levels and the way in which noise emissions are managed (Homan 2008; Homan 2010:108,114).

A key problem for venues is that the change-agent, such as a new residential development, may not have to mitigate against noise emissions, with the onus falling instead on a long-standing operator who has for a long-time played by the rules. As such, venues may be forced to cease live music performance at the very time that state or local governments are promoting their live music cultures to locals and tourists (Flew 2008; Stevenson 2004:12). Venues may be promoted to international audiences, yet local real estate agents may fail to highlight their proximity to prospective purchasers of nearby properties. There are usually no measures employed, such as additions to property titles, warning of pre-existing music venues and possible noise impacts.

The nuisances of live music are controlled via parameters such as those set out in zoning ordinances, building standards for noise attenuation, and in liquor licensing conditions on venue operating hours and noise limits. But not always has this set of controls worked to support the provision of live music entertainment, whilst at the same time mitigating its impacts, particularly in respect to noise control. The ‘traditional’ polluter-pays approach has generally been applied, in blanket fashion across cities. That is, the noise polluter is responsible for managing noise and limiting the impacts on sensitive receiving environments, such as residential buildings, schools and hospitals, in all circumstances (Berglund, Lindvall and Schwela 1999b:66; Hayne, Mee and Ruble 2005:1). Licensing controls for venues are used to limit noise levels, the type of sound systems and hours of operation, often spelled out in terms of noise levels at the nearest sensitive land use (the receiver). However, this regime means that the costs of implementing noise mitigation for long-existing music venues in previously industrial inner-city environs falls not on incoming residential developers, but on venue operators, and the cost of doing so is often expensive and non-viable (Radbone 2002:14). It was such a problem that forced the cessation of live music at The Press Club. That said, no two states use the same set of policies and local governments also often apply different rules.

Most of these policy frameworks have been developed incrementally by bureaucrats for, and not with, the affected stakeholders, under what might be termed a rational/technical approach to planning (Innes and Gruber 2005). More recently, new approaches have emerged in response to cries of unfairness by the music industry. Beer (2011:143) notes these often commence with an inquiry or taskforce that then recommends changes to governance arrangements, including planning regimes. Though there has been research into the challenges facing live music venues in specific cities (i.e. Homan 2008) there has been little holistic, comparative review of the effects of these regimes, or case studies on the efficacy of the more recent approaches, which this paper, in part, seeks to provide.

Aims

A comparative review on policy for live music venues across Brisbane, Sydney and Melbourne was undertaken from 2008-10. Live music venues were the focus of this research as they are very much the pre-conditions for the production and consumption of music and

are most influenced by policy (Homan 2008:viii). The research questions included: What is the legislation that regulates or influences the operation/management of live music venues within Australian cities? Is this legislation perceived as successful in preserving music venues? Are different approaches leading to divergent outcomes? And is there room for improvement with respect to the provision, management and/or operation of live music venues?

Methods

The research involved a policy review for each jurisdiction, a series of site visits to venues within the cities, and a set of key actor interviews. The policy review involved a comprehensive analysis of current planning in each of the cities, including: relevant planning legislation and liquor acts, management plans, planning reviews and initiatives, media releases and newspaper articles. This analysis has required constant updating due to the fluid nature of the policies, regulations and responsible authorities across the three jurisdictions. Site visits included day and night-time excursions to venues across key live music precincts in each city (i.e. Fortitude Valley and Caxton Street, Brisbane; Oxford Street and Newtown, Sydney; Brunswick Street, Chapel Street and the Melbourne CBD) in order to experience each city's music cultures 'on the ground'. These were complimented by at least four formal interviews conducted in each city across local and state government representatives (within planning or liquor licensing departments), not-for-profit music industry representatives, members of lobbying groups, venue owners and operators, and academics within the field, in 2008 (see Table 1). A series of informal discussions were held with other actors in each city, feedback was received from presentations of earlier work to national urban studies and music conferences (Burke and Schmidt 2009; 2010) and the review has continued to the time of writing.

Table 1: Formal interviews conducted

City	Interviewees
Brisbane	A representative of a music industry association A policy officer from local government A cultural industries academic A representative from a key state government agency

Sydney	A venue owner A music industry lobbyist A planner from local government A cultural industries academic
Melbourne	A venue owner Two planning and policy officers from local government A music industry association representative A former music industry association representative

For the purposes of this research, live music venues were defined as licensed venues that operate specifically for live music performance or those for which a significant proportion of their operations are dedicated to live music. The research was limited in scope to focus on live music venues with a maximum capacity of 3000 patrons. These small-medium scale venues were selected as they actively support original live music and are more representative of the local live music ‘scene’ than stadium venues hosting international acts (stadiums presenting a more unique planning problem). Brisbane, Melbourne and Sydney were chosen as they are the three largest metropolitan markets for live music in Australia, were more accessible to the researchers than cities such as Perth, and have significant diversity in their regulatory regimes.

There are a number of limitations to our approach. We only reviewed policy in three Australian cities, and in a very limited number of local government areas, with local government differences more important in Sydney and Melbourne than in Brisbane. Whilst interviewees were identified by stakeholders as key actors in each city, some significant stakeholders may have been omitted and views of both patrons and local residents were not sourced at this stage of the research. We focused solely on licensed venues and issues surrounding non-licensed music venues, such as megachurches, were not explored. Similarly, we have omitted music festivals and other events that now provide a major means for live music consumption in Australia. And we have not isolated problems facing specific genres of music, such as hip hop, ‘indie’, or death metal.

As noted earlier, we focus here on the Brisbane case. Readers are directed to Schmidt (2008) for more on the Sydney and Melbourne results.

Policy settings

It is necessary to first set out the essential policy settings influencing the management of live music venues. Table 2, (below) provides the basic arrangements of planning, liquor licensing and other policies, and their connections, that influence the location and type of live music venues in Brisbane. Planning legislation is generally administered by local governments through their planning scheme. Strategic planners therefore help determine preferred venue locations in the city through zoning and use rights. Planners also set acceptable levels of impact on neighbourhood amenity, and can enact building standards to ensure venues and neighbouring developments are soundproofed appropriately. The provisions of state government Liquor Acts are administered through the granting of a liquor license. These permits impose a number of conditions on venues, including restricting opening hours, specifying noise levels and capping the number of patrons allowable in a premises at any time. Additionally the licence may designate security provisions. Though similar, each Australian jurisdiction has its own unique regulatory environment, with multiple variations in detail (see Wardle 2008 for a broader review).

Table 2: Regulation and responsible authorities for live music venues in Brisbane

Regulation	Responsible authorities
<u>Planning and development legislation</u> - <i>Local Government Act 1993</i> - <i>Local Law (Entertainment Venues and Events) 1999</i> - <i>Sustainable Planning Act 2009</i> - <i>Amplified Music Venues Local Law 2006</i> - <i>Brisbane City Plan 2000</i>	Department of Local Government and Planning (Queensland Government) Local Government (Brisbane City Council)
<u>Environmental protection legislation</u> - <i>Environmental Protection Act 1994</i> - <i>Environmental Protection (Noise) Policy 1997</i>	Environmental Protection Agency (Queensland Government)
<u>Liquor licensing</u> - <i>Liquor Act 1992 and Liquor Regulation 1992</i>	Office of Liquor and Gaming Regulation (Queensland Government)
<u>Building regulations</u> - <i>Building Code of Australia</i> - <i>Queensland Development Code (mandatory and non-mandatory parts)</i>	Australian Building Codes Board

The place-based approach in Brisbane

Historically Brisbane had been criticised as unsupportive of live music with few venues (Stafford 2004). What did exist was mainly concentrated in the former industrial suburb of Fortitude Valley, near the central business district (see Flew 2008). Stafford's selective history of rock music in the city highlights the re-emergence in the 1990s of a small but thriving scene in the Valley, focused on venues such as The Zoo. This nurtured bands such as Custard, Powderfinger and Regurgitator, most of whom chose to stay in the city rather than leave for other places to sustain their careers (Stafford 2004). Though constantly changing and evolving, the area's venues supported a wide range of musical genres including rock, indie, punk, electronica, drum and bass and hip-hop, yet emerging musicians and experimental acts often struggled to find performance spaces.

Following the events at the Press Club in 1999, it was realised that what had long been possible in the Valley was threatened by encroaching urban redevelopment following the city's very successful urban renewal initiatives. A social movement quickly emerged, encouraged and supported by key venue operators, including the Bickle family, who owned The Empire Hotel and a number of other key establishments in Fortitude Valley. A *Save the Music Campaign* was initiated, supported by industry representatives, venues, lobbyists and patrons to pressure local and state government to intervene. It was both well-funded and well-supported, attracting a petition of over 10,000 signatures, many from otherwise apathetic young people. The Beattie Government acquiesced to the campaign's main demands, agreeing to work with the industry to find a way to accommodate music consumption and give some surety to venue operators, but not prevent new apartment developments in the area.

At the time, Brisbane was under the Queensland Government's new performance-based planning regime, a planning experiment that has been subject to much critique (see Steele 2009). A key feature of performance-based planning is the need to have key performance measures in place, and though some of these existed, they retained past mechanisms and related to noise emissions from the polluter at the nearest adjacent dwelling, which did not suit the new gentrified landscape of the 1990s where apartments were being built alongside existing pubs and clubs. Further, the size of Brisbane City Council, Australia's largest by population and budget, was important. One informant not from government noted the council had '*more of an ability to think into the medium term*' and not just rush to ad-hoc short-term fixes.

All the Brisbane informants spoke positively of the planning processes and personnel involved. One planning officer from Brisbane City Council was provided and tasked with negotiating changes to five pieces of legislation, plus planning controls, whilst attempting to keep industry, lobbyists and residents groups on-side throughout review and development of new rules. Though there was technical noise modelling undertaken (Borgeaud 2005) the planning approach used was considerably more collaborative than previous. There were numerous attempts made at collectively working out preferred strategies. Compromises were made on both sides. Mutual learnings developed, particularly within the regulating authorities and the affected communities (both venue operators and music consumers, and residence groups). A key learning was state and local governments understanding the importance of live original music in the cultural industries. As the Brisbane music industry representative noted: “... *what that means economically and culturally for a state is immense. So once we started looking at it as a broader [issue]... we finally started getting: ‘Oh, now we know what you are on about’*”. Not all participants obtained everything they wanted, but thanks in part to the skills of the particular officer running the process (something of a ‘planning hero’ to some) a plan emerged that did markedly change the rules of the game.

The scheme is not faultless, but an ‘acceptable solution’ did eventuate. In essence, the Queensland *Local Government Act 1993* was changed to allow local authorities to declare a ‘special entertainment precinct’ and use local laws to manage noise emissions and planning schemes to ensure attenuation of noise emissions in new developments within those precincts. The first iteration of this approach was the *Valley Music Harmony Plan* (2004) (VMHP) which significantly altered planning and liquor laws within a designated ‘Entertainment Precinct’. Precinct locations are shown in Figure 2. This place-based approach was unique in the Australian experience, particularly in how it considered noise emissions. Key legislative changes were applied to the Entertainment Precinct alone, whether through Brisbane City Council’s Planning Scheme – *City Plan 2000* and respective Local Plans and the *Brisbane City Council Amplified Music Venues Local Law 2006* (Brisbane City Council 2006) or as legislated by the *Local Government Act 1993* s956G.

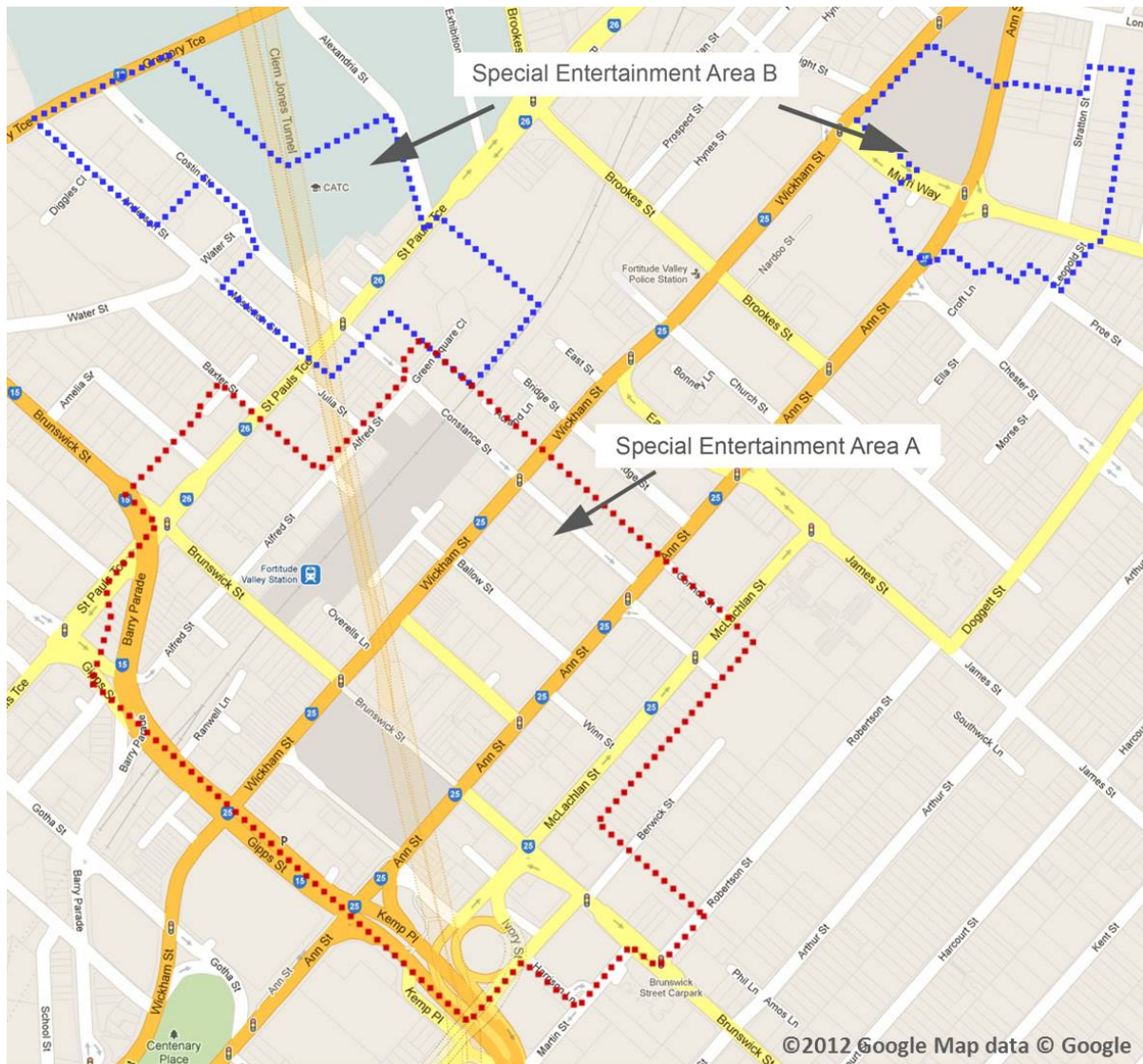


Figure 2: Location of the designated Entertainment Precinct – parts A and B – in Fortitude Valley

A critical shift was to standards setting out what noise levels a venue could emit, regardless of the development surrounding it. As the Brisbane music industry association representative noted, ‘...we needed to have a set level from the venue’ as opposed to having rules based on what could be heard inside nearby dwellings. Within the designated Entertainment Precinct, this certainty is given to the 30 or so venue operators through the following measures:

- All music venues within the precinct are allowed to emit a standard noise level at their boundary (see Table 3);
- New residential developments within the precinct have to invest in noise attenuation measures to ensure all residences can achieve noise reduction of 25 decibels in the 63

hertz frequency band. New venues or residential developments sharing common walls must achieve a minimum noise reduction of 90 decibels; and,

- Volume levels are set and managed by the Local Government (Brisbane City Council) and are no longer implemented by the Liquor Licensing Division of State Government. (Brisbane City Council 2002).

Table 3: Noise Emission Levels for Music Venues in the Entertainment Areas (source: BCC 2004 p13)

Average Music Noise Emission Level	Music Noise Emission Level Time Limit	Venue Location (see Fig. 2)
80dB (C) L_{Aeq}	10am – 1am Thurs, Fri & Sat 10am – Midnight Sun to Wed	Special Entertainment Area A
70dB (C) L_{Aeq}	At all other times	Special Entertainment Area A
80dB (C) L_{Aeq}	10am – Midnight Thurs, Fri & Sat 10am – 11pm Sun to Thurs	Special Entertainment Area B
55dB (C) L_{Aeq}	At all other times	Special Entertainment Area B

These arrangements go beyond ‘first-use rights’ establishing an even clearer set of policies that work to achieve accommodation of live music within the designated precinct but protect residential amenity. Allowing standard noise emissions at a venue’s boundary gives operators surety that, if they stay within those limits, they are inoculated from noise complaints. Developers know what they must do to meet specific noise reduction targets. And residents should have greater certainty over what noise levels they may expect at specific times.

The VMHP also included other key innovations, such as attempts to better inform prospective purchasers about the likely soundscape should they choose to live in Fortitude Valley. As one of the interviewees’ noted, what one sees and hears on a Saturday afternoon with a real estate agent is very different to what one hears at 2am on a Saturday night. The VMHP’s website [http://www.brisbane.qld.gov.au/BCC:BASE::pc=PC_74] included a unique ‘Valley Sound Machine’ application, which was designed as an educational tool to inform of likely soundscapes in different parts of the Entertainment Precinct, under different sound insulation scenarios. It is not known whether this online application is ever seen by its target audience,

or whether this intervention has had any effect on buyer behaviour, but it demonstrates an innovative means to try to inform purchaser decisions in advance.

The Fortitude Valley Entertainment Precinct has been adopted within other Queensland regulatory frameworks, leading to further changes in the policy environment for the site. Concerns around alcohol-related violence have plagued the Valley, with a number of initiatives commenced in response. In December 2010 the Queensland Government used a place-based set of interventions targeting alcohol consumption and safety, with the Valley designated as a *DrinkSafe* precinct under a two year initiative (see <http://www.olgr.qld.gov.au/stories/dsp-trials.shtml>). In Brisbane, the only *Drinksafe* precinct is the Fortitude Valley entertainment precinct. The ‘trial’ includes additional policing resources, improved street lighting, street stop and check operations, additional licensed venue enforcement inspections, and the introduction of a safe ‘Chill Out Zone’ in the central Brunswick Street Mall, providing intoxicated patrons with a rest and recovery location. A problem person can also be banned from entering the precinct entirely under new powers, but this has been exercised on very few occasions. Transport is a very significant part of the *Drinksafe* initiative. Encouraging swift patron dispersal for crime prevention has seen significant further investment by the Queensland Government in night-bus operations, additional late night train services, shared taxi arrangements, as well as increased security at taxi ranks within and near the designated precinct (Office of Liquor and Gaming Regulation 2011). These represent a very significant investment in government funding to support the night-time economy, with much of that funding solely benefitting Valley operators and their patrons, at the exclusion of other operators in the city. For road safety, especially to protect drunk pedestrians, variable speed limits have been introduced on key roads throughout the designated precinct. The speed signs change to 40km/h maximum posted speeds at night with new signage indicating a special ‘Entertainment Precinct’ traffic zone. Interestingly, the entertainment precinct does not appear to have been formally linked to the Queensland Government’s creative industries policies, without recognition in key documents (i.e. see Department of State Development and Innovation 2005).

Brisbane has recently sought to adopt other changes modelled on the experiences of Melbourne in managing the night-time economy. A full account of Melbourne’s experiences is beyond the scope of this paper but the total number of licensed venues increased five-fold from 1987 to 2007 after liquor licensing was liberalised in key ways in 1988, without much

change in per capita alcohol consumption, and with the majority of new venues being small scale premises (Nieuwenhuysen 2007:2). The liberalisation led to a dramatic diversification of premises, with greater variety in what venues offer. The laneways, rooftops and basements of inner Melbourne were transformed and a reasonable proportion of these new venues provide for small scale live music performance. The Queensland Government has introduced legislation to provide for bar licenses, though take-up has been slow, partly as Brisbane City Council's planning regime is not as accommodating (see Moore 2009).

The overall impact of these changes for live music production and consumption are mixed. Brisbane has seen an emptying out of some CBD venues to continued concentration in Fortitude Valley and there are few operators elsewhere in the city. The Valley now attracts around 50,000 patrons most Saturday nights when only 5,000 persons live in the entire suburb (Office of Liquor and Gaming Regulation 2011). A set of live music venues including Ric's, The Zoo, the Tivoli and others today provide a steady diet of local live music for patrons. Venues do come and go, with the closure of the Troubadour and the Waterloo Hotel as live music venues in recent years. And there are concerns: sites within the precinct are tightly held, rents are not cheap, and competition fierce. The lack of certainty that faces operators looking to invest elsewhere makes it difficult, particularly for smaller scale venues. A do-it-yourself underground music scene operates, witnessed first hand by the authors, which flits between warehouses and homes. Some of this unregulated scene emerges into the more mainstream, with the open advertising of events at venues such as the Lo-Fi Hanger in suburban Red Hill, which operated until recently out of the basement of a disused car tire workshop adjacent to middle-class homes. Our informants were also either ambivalent or overtly cautious about the possible application of this place-based model to other Australian cities. The cultural industries academic suggested that "*Brisbane is probably small enough to be half successful with doing that but I don't see how you could do it in larger places like Melbourne*". Cities with larger and more dispersed night-time economies may not lend themselves to the approach.

Discussion

The planning approach employed by the Queensland Government and the Brisbane City Council provided the basis for a unique, place-based planning 'solution' for live music in Brisbane. Another collaborative planning success story, the VMHP is but one more example

of how better planning approaches and a commitment to meaningfully participate and compromise by affected communities can lead to improved planning outcomes. The scheme is not without its limitations, and there remain concerns arising from the Brisbane experience, but it demonstrates the value of investment in and resourcing of ‘good’ planning practice. The Entertainment Precincts today provide certainty and greater fairness to existing venue operators, overturning the traditional polluter-pays regime that clearly does not act fairly for those who experience encroachment by sensitive land uses. The retention of key live music venues and a strong music culture in the Valley demonstrate that more nuanced policy regimes which assume the ‘change-agent pays’ in mitigating against noise emissions, or set out strong rules for both venue operators and for residential unit developers, can work.

Despite its obvious successes, we remain somewhat sceptical of the value of an approach that entails support for and containment to just one site in the long-term, under the (unstated) policy of concentration of the night-time economy in Fortitude Valley. There are clearly issues of monopoly control and a lack of alternatives to the Valley emergent in Brisbane, and problems with the crowded streets of the small Valley location itself on Friday and Saturday evenings. The cultural industries academic informant suggested we may be ‘...*probably looking at getting more of a diffusion of places to go in Brisbane*’ rather than focussing all the night-time economy in the Valley. Though this may be driven by consumers seeking alternatives to the congested Valley’s offerings, extreme segregation of the night-time economy to only one location in a city also appears unsuited to our large, dispersed Australian cities, not least in terms of accessibility. There are very few landholders within the bounds of the designated entertainment precinct and sites are tightly held, constraining new entrants. Venues outside the Valley are effectively beholden to the same regime as existed before, with no certainty and subject to risk of noise complaints from potential incompatible development, making for a risky investment. The emergence of an organised but unregulated, underground live music scene highlights the lack of access to performance spaces for many emerging acts. Unregulated venues, however, pose enormous problems for neighbouring residential amenity and for patron safety. There are equity and fairness concerns here too: the Valley’s increased public transport accessibility is likely one reason for its strong patronage, with a combination of government subsidised bus and train services and supportive regulation of the night-time economy there coalescing into a booming cluster of activity. Operators in other parts of the city, though charged with similar licensing fees, do not receive anywhere near the subsidised transport operations that Fortitude Valley receives.

This work suggests a number of future avenues for research. A planning ‘model’ for broader application across Australian cities is needed, that provides a level of fairness between existing live music venues and the needs of sensitive noise receivers. Aspects that are relatively unexplored include the issue of intensification of activity in venues over time (say, cafes that offer live music and then progress to being higher-impact venues) and how this can be managed, as well as acceptable provisions applicable for small-scale entertainment (Wardle 2008:8-9). The broader consequences of dense clustering of the night-time economy in locations such as Fortitude Valley deserve attention, given the associations but not necessarily causal relationships previously found between venue density and alcohol-related harm (Livingston 2008). Longitudinal research is needed on initiatives such as the Entertainment Precinct and Drinksafe initiatives, to help improve policy and practice in crime prevention, and in health and safety, including the efficacy of individual interventions, such as the road safety improvements made in the Valley. And there remains a need to identify improved means to inform prospective residents of likely noise pollution and amenity concerns in locations close to existing venues, such as attempted with the VMHP’s *Valley Sound Machine*.

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