
E TŪ MUSICIANS' UNION: RECOMMENDED POLICY ACTIONS FOR WELLINGTON CITY COUNCIL

About E tū Musicians' Union:

1. E tū Musicians' Union is a diverse collective of musicians from across Aotearoa's musical landscape. Our vision for Pōneke is of a city where music is valued and given the space to thrive, as music is a key component of Pōneke's cultural identity and integral to the well-being of the city and its people.
2. We have a strong interest in making sure that Wellington City Council (WCC) recognises and responds to the needs of the city's musicians in its approach to supporting the creative arts, and in its approach to urban intensification. In creating a more livable inner city, it's essential to protect the activities that make the inner city a desirable place to live in the first place. As world-leading music and cultural policy thinker Shain Shapiro¹ reflected after his recent visit to Wellington:

“Small countries must utilize and bet more on their culture and those who make it because it is one of the things unique to them.”

3. These recommendations have bearing on the ongoing review of the Aho Tini 2030 Arts, Culture and Creativity Strategy and Action Plan, as well as the District Plan and other aspects of Council policy, strategy, and ongoing work programmes. It follows our submission in May 2024 on the Long Term Plan 2024-2034.
4. Enquiries related to these recommendations should be directed to contact.etumusiciansunion@gmail.com.

Overview:

5. E tū Musicians' Union appreciates this opportunity to provide guidance to decision makers.
6. In May 2024, we made a submission on the Long Term Plan 2024-2034 with the following asks:
 - 6.1. *That Wellington City Council increases their minimum fees for contracted musicians to a rate that reflects their commitment to playing the Living Wage and the value of the performing arts.*
 - 6.2. *That Wellington City Council and WellingtonNZ commit to meeting with a Musician's Advisory Group three times per year.*
 - 6.3. *That Wellington City Council commits to increasing its support of new and existing opportunities for Pōneke based musicians to achieve sustainable creative careers.*

¹ We can recommend his recently released book *“This Must Be The Place: How Music Can Make Your City Better”*, available from Unity Books (<https://www.shainshapiro.com/>)

7. With the growth and development of our union, we have received additional input from members and allied organisations with a common interest in the vitality of our local music communities. We are therefore now able to provide more detailed advice to Wellington City Council on specific actions that would support our asks. These are outlined below.

Recommended Actions:

Ask One - That Wellington City Council increases their minimum fees for contracted musicians to a rate that reflects their commitment to paying the Living Wage and valuing the performing arts:

8. Base performance fees for all WCC and WCC-funded events should be calculated based on a minimum hourly rate *per individual performer* above Living Wage, which takes into account the full time commitment required. This should include, but is not limited to, soundcheck time, early arrival requirements, transport time, performance time, and packdown time. Fees should also take into account any additional transport, accommodation, equipment, or other costs that may be incurred upon performers.
9. Base performance fees for all WCC and WCC-funded events should increase annually with CPI, so they keep pace with performers' rising living costs year to year.
10. Base performance fees for all WCC and WCC-funded events should be transparent, and published on the Wellington City Council website.
11. When funding events, WCC should ensure funding levels are sufficient to pay at least the base performance fees discussed above to all performers; and at least Living Wage to all promoters, organisers, and other event staff.
 - 11.1. This requires ensuring that the Living Wage Fund criteria, assessment, and reporting processes are fit for this purpose.

Ask Two - That Wellington City Council and WellingtonNZ commit to meeting with a Musicians' Advisory Group three times per year:

12. We are pleased that WCC has recently committed to adding a musicians' sector group to the Aho Tini Creative Sector working group(s).
13. The E tū Musicians' Union would like to lead the formation of the musicians' sector group. Strong E tū Musicians' Union representation in the sector group will ensure that its advice provided to council represents the diversity of local music communities in Pōneke and the issues they face maintaining creative careers in Aotearoa's creative capital..
14. WCC should commit to meeting with the musicians' sector group at least three times annually on an ongoing basis to review progress, identify any emerging issues of concern, and ensure that a strong collaborative relationship with local music communities is maintained.

Ask Three - That Wellington City Council commits to increasing its support of both new and existing opportunities for Pōneke based musicians to achieve sustainable creative careers:

15. WCC should explore ways to better support local promoters and organisers to access WCC venues and build relationships with WCC around events and spaces.
 - 15.1. Like many local authorities, WCC has increasingly fostered relationships with well-resourced international promoters and ticketing agencies to provide event management support.
 - 15.2. Although these companies offer a desirable service, which makes them an important part of the music industry ecosystem, it is concerning that within the context of a cost of living crisis we are seeing a rise in ticket prices.
 - 15.3. Of particular concern is that a large portion of the revenue generated by increased ticket prices is going overseas, instead of going to local musicians or being reinvested in local music industry infrastructure.
 - 15.4. WCC should make sure that any contractual arrangements entered into with international promoters and ticketing agencies do not effectively “lock out” local players.
 - 15.5. WCC should be proactive in identifying and seeking to work with local promoters, organisers and ticketing agencies who can provide comparable services while reinvesting revenue in local music industry infrastructure.
 - 15.6. Where WCC does engage with overseas promoters we ask that at least one local act must be present on the bill and receive a fee in line with ask one in this document.
16. WCC should seek that, as a condition of upholding any noise complaint against an established live music venue or authorised event, WCC noise control officers should have recorded a non-compliant sound level meter measurement² showing that the noise likely exceeds the maximum permitted Noise Emission Level for the applicable zoning, time, and activity.
 - 16.1. At present, new venues and events face rigorous consenting and licensing requirements, and must typically provide WCC with evidence demonstrating their ability to comply with maximum permitted Noise Emission Levels. This can lead to significant compliance costs in the form of expensive audio limiting equipment and acoustic treatment.
 - 16.2. Despite this, WCC noise control officers currently assess and decide noise complaints based purely on a subjective judgement.

² At time of writing, an entry-level Digital Sound Level Meter costs about \$30 from Bunnings, while higher-end equipment can provide a higher standard of evidence.

- 16.3. In practice, this means that a live music venue can do everything within its power (at great cost) to ensure that it is compliant, yet still bears a massive ongoing and unmitigable risk that events may be shut down and/or equipment confiscated as a result of noise complaints. Upheld noise complaints also have ramifications which can affect licensed venues' ability to have their liquor licence renewed. This has huge scope for loss of income.
- 16.4. Issues of this nature were a significant contributor to the closure of local live music venue Caroline (1 Manners Street) in 2019, as well as to the closure of Auckland's Kings Arms Tavern in 2018; several other venues in cities around the country are also currently in jeopardy due to new residential developments.
- 16.5. We enthusiastically support Council's goal of urban densification. More people living in our inner city is good for live music venues and musicians. However, we share the concern of live music venue operators in Pōneke that under present policy settings, urban densification has the potential to fuel an increase in upheld noise complaints, which will ultimately drive venues out of business.
- 16.6. Making WCC's enforcement practices consistent with the standard of evidence live music venues must provide at the consenting and licensing stages is a common sense solution which provides certainty and clarity for venue operators, without compromising Wellington City Council's ability to control noise.
- 16.7. We acknowledge that the "Excessive noise" provisions of the Resource Management Act 1991 (sections 326-328) may present some constraints on how Council implements this recommendation.
 - 16.7.1. We ask Council to take any opportunity it can to raise the matter with the Minister responsible for RM reform.
 - 16.7.2. Meanwhile, we ask Council to take any reasonable and practical steps it can in this direction, within the scope of its authority to interpret and apply the RMA.
17. WCC should create a new zoning designation with more permissive settings for live music venues.
 - 17.1. A similar approach is already applied to the "High Noise Area" on Courtenay Place, which could possibly be amended and extended to meet this need. An "Entertainment Precinct" approach has been implemented successfully in cities such as Queenstown and Sydney, and similar zoning structures for entertainment activities are provided in the Auckland Unitary Plan.
 - 17.2. For the purposes of immediate protection, this designation should be applied directly to areas around existing live music venues, as well as to other areas deemed appropriate for the development of new live music venues.
 - 17.3. This designation should incorporate the following:

- 17.3.1. Higher maximum permitted Noise Emission Levels (compared to standard mixed use zoning), particularly during evenings and on weekends.
 - 17.3.2. Higher acoustic mitigation standards for new residential builds³, similar to that already applicable in the District Plan for areas near major transport corridors.
18. WCC should expand the list of days exempt from Temporary Activity Noise regulations to include all public holidays.
- 18.1. Currently, only New Year's Day is exempt. Adding additional exemptions would provide more flexibility for event organisers throughout the year to run live music events on these days, particularly in non-traditional venues, community spaces, or venues in mixed use or residential zones.
19. WCC should develop an “event manager’s kit” or similar, available on the website, to help ensure event organisers are on the same page and avoid accidental non-compliance. This kit should include:
- 19.1. Clearly outline compliance requirements for events.
 - 19.2. Step through necessary consenting and/or licensing processes.
 - 19.3. Explain how relevant pieces of policy and legislation apply (and how these are enforced).
 - 19.4. Include a list of relevant WCC contacts who can help provide further direction and clarification.
20. To support the emergence of more urban performance spaces, WCC should introduce a targeted rate on commercial space which is vacant for more than six months.
- 20.1. This will incentivise temporary and short-term use of vacant or underutilised commercial space in the inner city by creative and community organisations, and supports the mission of WCC-funded organisations like Urban Dream Brokerage.
 - 20.2. For musicians, this would enable more experimental, alcohol-free “pop-up” performances in the inner city at various times of day, for audiences of all ages. This would be particularly beneficial for emerging performers as it provides an opportunity to showcase their work before a broad audience - with flow on benefits for attendance at live music venues and festivals, local creative arts generally, and the hospitality industry.
21. WCC should provide targeted support and remove barriers to help transform underutilised spaces into modern, multipurpose community venues that can support live music and our broader creative community.

³ We anticipate that any development costs added as a result of this measure are likely to be small relative to the overall cost of new builds, but would welcome WCC seeking independent expert advice if this is of particular concern. In any case, it is only reasonable that the developer should bear the costs of ensuring that new builds are fit-for-purpose for their lived environment, rather than new builds coming at the cost of the existing activities that create that environment.

- 21.1. The success of Vogelmorn Bowling Club has shown the tremendous potential underutilised spaces have to help meet the needs of our creative communities, including live music.
- 21.2. Underutilised spaces on the Town Belt present an untapped opportunity to draw a broader cross-section of the community to this unique and precious whenua so it can be enjoyed and cared for now and into the future.
- 21.3. Major factors driving underutilisation include:
 - 21.3.1. Buildings whose physical condition and amenities are not suited to the needs of potential secondary users (such as those in creative communities).
 - 21.3.2. Spaces whose operating model:
 - 21.3.2.1. Lacks capacity for effectively managing access arrangements and bookings across multiple user groups.
 - 21.3.2.2. Lacks the ability to raise revenue sufficient to meet ongoing building maintenance and upgrade costs.
 - 21.3.2.3. Offers secondary access only via pre-booked hourly hire, at rates which are unsuitable for potential secondary users in creative communities who require longer term storage or more flexible access.
- 21.4. WCC can offer a lifeline to these spaces, making support conditional on:
 - 21.4.1. Custodians applying in partnership with creative and/or community organisations who have the capability to support ongoing development and management of the space.
 - 21.4.2. A commitment to put awarded funding towards any upgrades and maintenance necessary to make and keep the space fit-for-purpose as a modern, multipurpose community venue.
 - 21.4.3. Adopting an operating model based on best practice which ensures sufficient capacity is provided for managing access arrangements and bookings across multiple user groups.
- 21.5. This support should not come at the expense of resourcing for existing WCC-operated or enabled spaces such as Toi Pōneke or Community Centres.
22. WCC should introduce community pricing for WellingtonNZ and other CCO venues to make them accessible and affordable to a broader cross-section of our creative community and increase utilisation during lower-demand periods.
 - 22.1. Where feasible Council should seek to build partnerships with trusted creative organisations who can assist with venue management and facilitate community access.