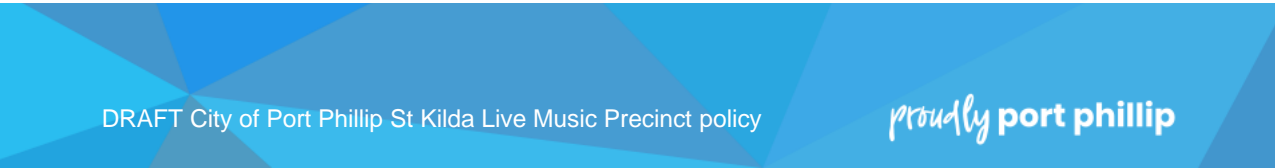




# Draft St Kilda Live Music Precinct Policy

V1, June 2023



## Policy

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**Responsible Service / Department:**

Arts, Festivals and Events, City Growth and Culture

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**Adoption authorised:**

Council

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**Date of adoption:**

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V1

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**Stakeholder review and engagement:**

- City Planning and Sustainability
  - Safety & Amenity
  - City Development
  - City Growth & Culture
-



**Relevant Legislation:**

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- Local Law No.1 (Community Amenity) as legislated through the Local Government Act 2020
  - Environment Protection Act 2017 (specifically the General Environmental Duty)
  - The Environmental Protection Regulations 2021 (Part 5.3, Division 4)
  - Liquor Control Reform Act 1998
  - Victoria Police Act 2013
  - Planning & Environment Act 1987
  - Public Health & Wellbeing Act - Part 6 – Regulatory provisions administered by Councils (Division 1 – Nuisances) 58 Application of division – 2e

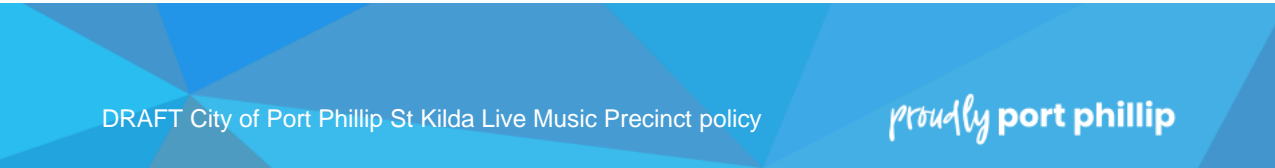
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**Associated Strategic Direction:**

Vibrant Port Phillip - A City that has a flourishing economy, where our community and local businesses thrive, and we maintain and enhance our reputation as one of Melbourne's cultural and creative hubs.



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## Preamble

While St Kilda has a long history of live music in venues and in public spaces, the pathway to putting on live music is not a simple one, nor is living in a suburb famous for it.

Venues and events that host live music face with a myriad of complex requirements, processes and permits, governed by numerous local and state government agencies, sometimes with conflicting conditions.

Residents can find their amenity disturbed by noise associated with music or those that patronise it, and face challenges in communicating to seek compromise or improvement without escalating their concerns.

As high-density living increases, recent years have seen such tensions escalate and result in distress to residents and businesses, and closure of live music venues.

The creation of a live music precinct through implementation of this policy seeks to take the next step in finding balance between the vibrancy and vitality of a thriving live music scene, and protection of residents and their amenity, and their enjoyment of the suburb they've chosen to live in. The policy seeks to find a balance for our diverse community and the music scene it is known for, to ensure St Kilda continues to be a home for its many residents, and its much-loved live music, long into the future.

### What this policy is:

- A determined step towards Council formally designating a precinct to recognise the importance of the St Kilda live music scene whilst seeking to balance the needs of surrounding residents
- Council's commitment to best practice customer service and communications to address current issues and concerns with live music to help our residents and our music co-exist
- A roadmap for next steps, including working with state government, to ensure that our community is part of the process and is given every opportunity to have their say and shape the future of live music in St Kilda

### What this policy isn't:

- A change to noise regulations or legislation that would lead to increased levels of noise from live music in St Kilda
- A foregone conclusion as to what the St Kilda live music precinct would entail – this will be determined in consultation with stakeholders including residents, businesses, venues and event operators
- Specific changes to compliance, governance, permitting or assessment of live music activity

## Roadmap to a St Kilda Live Music Precinct

### **April 2021**

- Live Music Action Plan – endorsed with action to investigate implementation of a Live Music Precinct.

### **March 2023**

- Draft St Kilda Live Music Precinct Policy presented for community consultation

### **June 2023**

- Council to consider endorsement of draft policy with consideration to community consultation and subsequent amendments to policy.
- Council presented with high level planning study results illustrating next steps in key priorities associated with legislative and advocacy priorities.

### **July 2023**

- Potential commencement of policy implementation within Council including State Government advocacy
- Potential planning scheme amendment to designate a live music precinct in the Port Phillip Planning Scheme, including community consultation (July 2023 – January 2025)

### **2025**

- Gazettal of the planning scheme amendment into the planning scheme by the Victorian Minister for Planning



## Introduction

The City of Port Phillip, and St Kilda in particular, has a long history as a place where live music is created, performed, experienced and celebrated. St Kilda's iconic venues, festivals and musicians are a fabled part of the story of Australian music and remain a vital part of the community's identity and cultural life.

While the local live music scene has continued to evolve and develop over the years, St Kilda itself has also changed, with a growing community and notable densification throughout the suburb that has changed the needs of both the residential and live music communities.

Council produced the Live Music Action Plan (2021) (LMAP) to support live music throughout the municipality, including assistance through pandemic recovery and industry partnership. The Live Music Precinct Policy is a key action from within the LMAP that aims to support a live music scene that enriches St Kilda for the local community and visitors while prioritising amenity for those that live and work here.

The Victorian Government introduced new planning controls in 2020 that allow Council to designate live music precincts, with the aim of considering "the social, economic and cultural importance of live music venues as they make decisions on local planning permits". St Kilda is ripe to be declared the first live music precinct within Victoria, with this policy outlining how Council will support our community and the live music industry as a first step, and a planning scheme amendment to be considered as a further tool to enhance its benefits and embed the precinct within the Port Phillip Planning Scheme.

The policy sets out Council's support for our local venues and events, musicians, and the residential and business communities. It seeks changes and improvements Council can make now, as well as advocating for greater alignment and support with key state government policy, and legislation, including regulation and compliance.

Our aim is to protect existing live music activity, and support and attract additional activity in coming years while maintaining amenity for our community. It's more music. Managed better.

## Background

### What is a Live Music Precinct?

The Victorian Government introduced new planning controls in 2020 that allow Councils to designate live music precincts in their planning scheme, with the aim of considering "the social, economic and cultural importance of live music venues as they make decisions on local planning permits".

For the purposes of this policy, Council's definition of a live music precinct is:

*An area in which live music is recognised as a priority activity, resulting in potential changes to regulatory frameworks, governance processes and communications to support and protect live music activity.*

A Live Music Precinct should support and encourage live music and develop a range of initiatives to 'broker' harmony between venues and local residents.

## Why a Live Music Precinct in St Kilda?

The following criteria were considered in determining where a live music precinct could be located within the municipality:

- Supports long-term strategic vision for area
- Rich music history with cultural significance
- Existing or emerging live music industry clusters (including live music entertainment venues, supporting businesses, event spaces (including open spaces and cultural institutions))
- Supporting amenities and infrastructure to support live music entertainment venues and visitors i.e. accessibility of area, public toilets.

Existing clusters of live music entertainment venues and event spaces in St Kilda mean there is an existing presence and culture of live music to build on. Almost 70% of identified music venues in Port Phillip are located in St Kilda (Creative Industry Mapping Project – Hodyl & Co, June 2019). This reinforces St Kilda's important role as an entertainment precinct within Port Phillip.

There are multiple iconic venues in St Kilda which are synonymous with creativity. These include The Espy, The National Theatre, The Prince Bandroom, Memo Music Hall, The Palais Theatre, Theatreworks, Linden New Art and the Victorian Pride Centre and there are multiple other creative industries in hubs, galleries, venues around St Kilda. St Kilda also hosts a number of music events within its public and open space, including ten music-based major events per year and countless smaller activities.

St Kilda is also well serviced from an amenity perspective, with multiple public transport options and major arterial routes such as Nepean Highway and St Kilda Road which are natural feeders into the suburb. The area also has a mixture of live music venues across different scales, meaning it can support musicians at varying stages in their career. St Kilda also hosts the iconic and annual St Kilda Festival – a celebration of live music in Melbourne.

Establishing a live music precinct in St Kilda aligns well with Council's [St Kilda Strategic Plan](#) - which outlines the work needed to respond to the challenges and opportunities in the area, highlighting key short-term activities that we can pursue to remove barriers to economic activity such as barriers to existing, new and temporary businesses.

## Role of Council (City of Port Phillip)

This policy relates to the implementation and delivery of services or regulation that are the responsibility of Council, including:

- Arts, Festivals & Events support and delivery
- Statutory and strategic planning, through application of relevant State legislation
- Planning compliance and Local Laws





- Economic development
- Customer service (ASSIST)
- State Government advocacy

Additional work to be considered as part of ongoing delivery of precincts and a potential planning scheme amendment includes aspirational outcomes that we will explore and potentially seek to achieve via advocacy to relevant State Government bodies.

These include technical exploration of:

- Simplifying, streamlining and reducing the burden of regulations on live music venues and events – with the aim of having one regulator for noise
- A precinct area where music-noise and development laws apply, placing the onus on new development to incorporate a high standard of noise insulation/controls
- Establishment of a once yearly renewable Live Music Amplification permit - regulated by Council's Local Law, replacing requirement of businesses to amend existing planning permits
- Streamlined conditions for regulation of noise from venues within the designated precinct with responsibility for regulating amplified music transferred from the State regulators to Council.
- Adoption of uniform noise emission levels for music venues in specific precincts with noise measured at the venue boundary

## Scope

This policy applies to Council functions and services that relate to live music activity in the designated live music precinct, including live music venues, events, residents and businesses. It also applies to musicians playing music in the live music precinct and visitors/audiences enjoying live music in the area.

The policy links to the Vibrant Port Phillip strategic direction of the Council Plan - a city that has a flourishing economy, where the community and local business thrive, and Council maintains and enhances their reputation as one of Melbourne cultural and creative hubs.

## Definitions

Table 1 Definition of terms

Term	Definition
<b>Live Music</b>	A music performance being given by a person or people, using their voice and/or musical instruments.
<b>Live Music Precinct</b>	An area in which live music is recognised as a priority activity, resulting in potential changes to regulatory frameworks, governance processes and communications to support and protect live music activity.
<b>Agent of Change Principle</b>	When anyone makes an application to establish, alter or demolish a live music venue, or to establish a new noise sensitive use near an existing 'Live Music Entertainment venue or in an identified precinct (as identified in the Port Phillip Planning Scheme), consideration must be given by the applicant and Council (or, in extraordinary circumstances the Minister) to the impact of the proposal on opportunities for live music. This principle is established under Clause 53.06-3 of the Port Phillip Planning Scheme.
<b>Live Music Entertainment Venue</b>	A food and drink premises, nightclub, function centre or residential hotel that includes live music entertainment, a rehearsal studio, any other venue used for the performance of music and specified in clause 3.0 of the schedule to this clause, subject to any specified condition or limitation.

## Outcomes

Outcomes sought from implementing a St Kilda live music precinct are to:

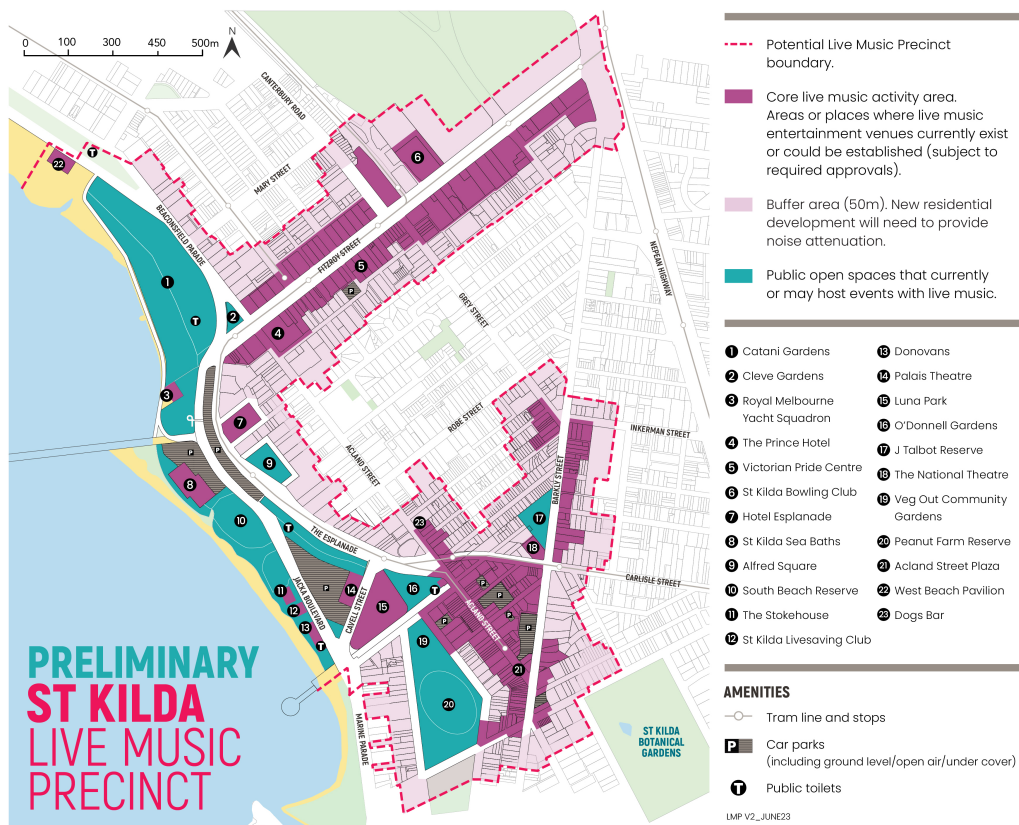
- Protect existing and encourage new live music activity in a supportive environment where the needs of the live music sector are balanced with those of the residential and business communities
- Develop a clear framework for the community and the industry to co-exist, based on clear and transparent communication, process and expectation
- Ensure any proposed new residential use takes account of any existing venue, and the possibility of new venues (this extends the agent-of change principle to a whole-of-precinct approach)
- Advocate to state government for changes to planning and regulatory tools to achieve simplified and aligned processes for the live music industry, within the designated precinct
- Explore the mapping of live music venues, to best manage and support live music activity. Includes listing details such as capacity, frequency of hosting music, accessibility, website and social links and liquor and planning permit details related to live music/noise conditions.



## The Precinct

### Preliminary St Kilda Live Music Precinct Map

Note: Precinct boundaries to be determined with further technical analysis and map is indicative only.



## The St Kilda Live Music Precinct for Residents

Live music has long played an essential role in the culture and identity of St Kilda, it's essential this policy considers the changing residential landscape and increasing densification. Support for live music activity within the precinct must be coupled with care and support for residents and their amenity, ensuring both can continue to co-exist into the future.

Council recognises the importance of communication within the community, protection of amenity and prevention of its disruption, and complaints management as part of quality customer service and its core business of serving the community and improving service delivery.

Additionally, Council recognises that live music is a key attraction for residents in St Kilda, many of whom are active participants in the local live music scene. The live music precinct aims to support and attract live music to St Kilda, with a range as broad and diverse as the community itself, and support promotional communications so residents know what's on and where.

### **Actions and initiatives include:**

#### Addressing and responding to amenity concerns

- Provide a streamlined internal process for live music activity including response to complaints, planning and enforcement queries, customer service and permitting process
  - Minimise points of contact within Council for the community when making enquiries
  - Provide a systematic and transparent framework to consistently assess and respond to complaints lodged by members of the public in relation to music noise
- Offer guidelines and communications recommendations for discussing noise or amenity concern with neighbouring venues where appropriate
- Monitor music noise to ensure it complies with all regulatory requirements (State and Local laws), adhering to set conditions with incentives to comply and consequences for repeat non-compliance in line with local laws and planning compliance
- Monitoring and enforcement to ensure safety and amenity in the precinct
  - While monitoring and managing the behaviour of patrons within venues is the responsibility of the business operator, Council will support relevant authorities and venues to create a safe and inclusive environment in the precinct
  - Venues will be required to consider and mitigate potential noise and amenity impacts on surrounding residential areas
- Advocate for better (State Government) services affecting live music audiences in St Kilda, such as increased late night public transport or targeted Victoria Police presence in live music precincts

#### Communication of music events – including any possible amenity impacts

- Diversify communication tools (for example an SMS and email notification opt in and investigation of alternative communication methods offline such as community noticeboards).
- Increase communication regarding other music and events.



- Increase transparency and communications regarding the use of public spaces for public and private events.
- Support promotional communications to increase awareness of what's on, where, and how it can be accessed
- Provide support and access to quality, affordable and enjoyable music experiences across a range of genres for the local community through support of more opportunities for live music, in venues and in public space

## The St Kilda Live Music Precinct for Venues and Events

Live music venues and events are the lifeblood of the local music scene. This policy aims to provide venues and event providers within the precinct with a clear understanding of the regulation and statutory requirements and associated processes that relate to operating a music venue. Council will develop the confidence of venue operators in meeting the obligations while advocating for less red tape and cooperation between regulators. We aim for venues to be empowered and for regulators to be aligned so the operating environment is simplified and transparent.

### **Actions and initiatives considering varying stages of venue and event operations:**

#### Navigating legislative and business processes:

- Provision of a robust policy environment to support the long-term planning and viability of the music precinct. This includes investigating local planning scheme amendments and advocating to other regulatory bodies for coordination, streamlining and efficiencies.
  - Improvements to standard planning conditions for venue planning permits and requirements for new developments within precincts. This includes removing roadblocks from historical planning permit conditions and ensuring permits reflect current planning scheme conditions
- Through Council's Business Concierge Service, support new and growing live music venues to navigate through the application and assessment process
- Maintain an online business permit finder to help businesses understand what approvals are required

#### Compliance with permit conditions such as noise complaints

- Creation and communications regarding fact sheets and guidelines to support businesses through various approval and compliance processes
- Provide advice to event and festival operators on best practise noise management, legislative compliance and permitting process
- Support venues to understand how to comply with permit conditions related to amplification and live music by providing Music Noise Fact Sheets which inform venues of noise management requirements and potential solutions such as layout of sound systems, directional speakers, limiting devices and more
- Support for 'good music neighbour' outcomes between precinct venues and the broader community, including providing information on technical measurement of sound levels and frequencies

- Make publicly available the process that Council currently follows when a music noise complaint is received, and ensure ongoing and transparent communication from Council throughout any investigative or compliance process
- Provision of a 'sound peer' – an introduction to a venue that operates with a good neighbourhood policy/good sound attenuation/best practice noise management process
- Provide opportunities for venues to participate in mediation when the complainant agrees
- Mentor music event operators and provide best practice sound mapping and guidelines for common sites within the precinct

Growth, inclusion, and promotion

- Through Council's live music specific [Live N Local](#) website (with links to the corporate website)
  - Maintain the [Featured Artist Database](#) that venues and events can access to connect with, and program, local musicians – including update of specific information relating to musician connection with diversity and inclusion.
  - Provide information and links to business and entertainment regulatory information and a guide on how to navigate Council processes and regulatory requirements
  - Host updated information on available resources that support live music
  - Develop a searchable venue and open space database to increase opportunities for collaboration, marketing and promotion and general awareness of the capacity to support and profile live music
  - Investigate opportunities to increase promotion and foster partnerships with existing music venues and events in the precinct where possible.
- Develop and support further high profile and positive music-based activation in the precinct
- Continue to produce CoPP events that showcase and celebrate live music where benefit to the industry and wider community is evident, including the St Kilda Festival and First Peoples Festival
- Prioritise permitting events that focus on live music as per Council's Events Strategy, with an average of 10 major music events permitted each year

## The St Kilda Live Music Precinct for Musicians

The St Kilda Live Music Precinct will be a place where musicians are welcomed and supported to work with audiences, venues and residents to create a diverse, accessible and dynamic live music scene. The following actions relate to musician support throughout the Port Phillip municipality and will be prioritised within the St Kilda Live Music Precinct.

Online resources

- Through the [Live N Local](#) website, provide a resource which links venues and musicians, providing advice to local musicians on opportunities, including performance and funding opportunities and a [Featured Artist Database](#) (a registry of local musicians) that encourages links with local venues and events



Programming, funding and communications

- Develop and promote a searchable venue and open space database to communicate opportunities for collaboration. Include information that reflects the venue's objectives – highlighting diverse and inclusive programming.
- Regular programming of local artists from the Featured Artist Database in Council funded programs and events
- Maintain targeted support programs such as [Locals Playing Locals](#) to encourage live music events featuring local performers at venues and local events, encouraging and promoting inclusion and diversity
- Ensure cultural grant opportunities are inclusive of music and opportunities for musicians
- FReeZa events focused on live music in partnership with neighbouring Councils
- Facilitation of support between live music organisations and other creative industries within the municipality, encouraging networking and collaboration
- Provision of musician loading zones at venues and event sites where required
- Promote potential collaborations for musicians with other local creative industries, including games, film, theatre and performance, visual art, heritage, events and markets
- Ensure live music event opportunities are promoted broadly throughout the community, including participation, funding and permitting opportunities
- Supporting fair pay, especially for Government funded programs - [Musicians Australia Minimum Performance Fee](#)
- Provide a clearly understood, fair and transparent framework for encouraging and managing public performers/buskers in the precinct

## Live Music Precinct Communications

The communications approach for the Live Music Precinct will inform residents, venues, artists and audiences of the establishment of the precinct, the resulting scope and opportunities, and ongoing updates and priorities.

It will focus on the benefits of live music and the precinct, the importance of amenity and the needs of the community and prioritise clear and transparent communication for and between all stakeholders.

Council will maintain open and ongoing consultation opportunities regarding the precinct, ensuring feedback opportunities are accessible and straightforward.

All communications will be specifically crafted for the project's five key target audiences:

1. **Residents** – with a focus on those living within the proposed Live Music Precinct area and St Kilda more broadly.
2. **Live music venues, associated industry and event providers** – with a focus on providers located in or looking to provide services within the proposed Live Music Precinct area or St Kilda more broadly.
3. **Live music artists and performers.**
4. **Visitors and live music audiences.**
5. **Partners** – this includes any additionally established or potential precinct partners. For example, Music Victoria or the Victorian Government.

The primary key messages for the Live Music Precinct will include:

- 'Live Music, Managed Better'
- St Kilda, the home of live music.
- Bringing together the past, present and future of music in St Kilda.
- First of its kind in Victoria / Leaders in music and live events.
- Supporting local creative industries by future-proofing live music in Port Phillip.
- Boosting the social, cultural, and economic development of St Kilda and surrounds.
- Ensuring our support of live music is balanced with the needs of our local residents.

The above key messages will be at the core of all communications about the Live Music Precinct, from consultation all the way to implementation and beyond.





## Communications channels and principles

The Live Music Precinct communications approach will utilise a wide range of channels (for example social media, online, print) to effectively reach and engage all identified key target audiences.

All ongoing communication will adhere to the following communications principles:

- transparency and openness
- simplicity and clarity
- timeliness
- accessibility.

## Brand identity

A visual brand identity and style guide will be created to be used for all ongoing communication activities related to the Live Music Precinct Policy. The purpose of the branded identity is to ensure that all work related to the Live Music Precinct is consistent in look and feel and that it is easily recognisable.



### City of Port Phillip

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