

# MEETING OF THE PORT PHILLIP CITY COUNCIL

## 21 JUNE 2023



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### ST KILDA LIVE MUSIC PRECINCT POLICY 2023 - 26

**EXECUTIVE MEMBER:** **BRIAN TEE, GENERAL MANAGER, CITY GROWTH AND DEVELOPMENT**

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#### 1. PURPOSE

- 1.1 To present the results of further community consultation on the draft St Kilda Live Music Precinct Policy 2023 -26 and key document amendments in response to feedback provided.
- 1.2 To recommend adoption of the St Kilda Live Music Precinct Policy 2023-26.
- 1.3 To seek approval to proceed with further steps to strengthen the live music precinct model, including planning study work to support a local planning scheme amendment to designate a live music precinct in the Port Phillip Planning Scheme and advocacy and collaboration with state government to streamline regulation.

#### 2. EXECUTIVE SUMMARY

- 2.1 Investigating the implementation of a Live Music Precinct is a key component of the Live Music Action Plan, which is both a core strategy and specific action within the Council Plan.
- 2.2 The State Government amended the Planning Policy in September 2020 to formally recognise the importance of live music. The key changes to the pre-existing planning provisions (in 53.06 of the planning scheme) related to live music included the ability for Councils to identify areas with one or more live music venues in the 'Live Music Precincts' – where live music would be encouraged and protected.
- 2.3 No other Victorian LGA has yet progressed Live Music Precincts through a Planning Scheme Amendment and as such this is both ground-breaking and new territory for Council, stakeholders and the Department of Transport and Planning. Extensive scoping of the proposed project and delivery of a precinct similar in format to models such as Queensland's Fortitude Valley requires:
  - A local planning scheme amendment to create the conditions for change through statutory mechanisms
  - Cooperation and collaboration with State Government to streamline regulation and/or alter specific conditions including Planning Permits and related legislation and regulatory frameworks.
- 2.4 As these investigations will take time, this Policy acts in the meantime to declare a St Kilda Live Music Precinct using actions within Council's scope to make meaningful change for key stakeholder groups – music venues and events, residents, and musicians.
- 2.5 This Policy does not seek (nor is it able) to make substantial changes to live music regulation, compliance, or planning controls. Rather, it seeks to identify changes and improvements Council can make and advocate for to ensure greater alignment of Council and State Government policy and legislation, including regulation and compliance.

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- 2.6 The Draft St Kilda Live Music Precinct Policy was released by Council for community consultation in the Ordinary Meeting of Council 15 March 2023. 367 people provided feedback, with 335 completing an online survey via Council's Have Your Say Page and 32 people providing feedback at four community pop-ups. The majority of participants were residents (56%) and lived in St Kilda (52%).
- 2.7 Participants were presented with five policy principles and asked to indicate their level of support. Overall, the level of support across all proposed principles was notably high.
  - Principle 1: Protecting and encouraging live music whilst supporting community needs (91% strongly or somewhat support)
  - Principle 2: Supporting community and live music industry to co-exist (92% strongly or somewhat support)
  - Principle 3: Ensuring new buildings consider and plan for existing live music venues (94% strongly or somewhat support)
  - Principle 4: Advocating to State Government to support the St Kilda live music precinct (88% strongly or somewhat support)
  - Principle 5: Mapping live music venues to support the industry (84% strongly or somewhat support)
- 2.8 The Engagement Report (Attachment Two) analyses and reports upon engagement data collected to determine community views on how Council can support residents, performers, venues, and visitors during the development of a proposed 'live music precinct' in St Kilda.
- 2.9 Key actions and initiatives in the Policy have been further shaped with input and feedback from targeted consultation with stakeholders, including the local community, music venues, event providers, other creative industries, and musicians.
- 2.10 The Policy already addresses many concerns raised in community consultation feedback. Improved community communication about the Policy alongside updates within the Policy will illustrate initiatives in a clearer way.
- 2.11 If endorsed, the Policy will commence from mid-2023 through to mid-2026 and would be reviewed annually.

### 3. RECOMMENDATION

That Council:

- 3.1 Notes the results of the broad community consultation via Have Your Say on the draft policy as presented in this Report and as Attachment Two.
- 3.2 Adopts the St Kilda Live Music Precinct Policy (Attachment One) and delegates to the CEO the ability to make changes that do not alter the substantive content of the document.
- 3.3 Formally declares the St Kilda Live Music Precinct - recognising the importance of the live music in St Kilda and safeguarding its future while balancing the needs of surrounding residents
- 3.4 Authorises officers to proceed with next steps to strengthen the benefits of the precinct, including planning study work to determine the benefits of a local planning scheme amendment to designate a live music precinct in the Port Phillip Planning Scheme, and state government advocacy to streamline regulation of live music activity.

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### 4. KEY POINTS/ISSUES

- 4.1 The St Kilda Live Music Precinct Policy has been developed following community and industry consultation, consideration of the Council Plan and other relevant Council strategies, and assessment of previous approaches and their outcomes.
- 4.2 Consultation was held with the broader community and targeted to identified stakeholders in March and April 2023, to seek feedback on the draft Policy.
- 4.3 Outcomes sought from the Policy have been identified and are included within the attached Policy, as well as commitments to best practise customer service and communications to address current issues and concerns to help our residents and live music successfully co-exist.
- 4.4 The planning and regulatory environment for live music and music noise is complex and intersects with several policy and regulatory areas, including planning, noise, liquor licensing, building, local laws and local policies. Navigating this environment can be challenging for various stakeholders including venue operators, developers and residents.
- 4.5 Planning study work will analyse the regulatory influences on live music activities and the establishment of the live music precinct and make recommendations on how best to protect existing and encourage new live music activity in Port Phillip. This work will support both the St Kilda Live Music Precinct Policy and a future amendment to the Port Phillip Planning Scheme to establish a live music precinct in St Kilda.
- 4.6 Council also has an advocacy opportunity to collaborate with state government to streamline regulation of live music activity, which is currently overseen by Council, the EPA, Victoria Police and the Victorian Liquor Commission, sometimes with conflicting conditions.

### 5. CONSULTATION AND STAKEHOLDERS

- 5.1 Stage 1 Consultation – Developing our Understanding
  - Consultation was undertaken on live music precincts as part of the adoption of the Live Music Action Plan (LMAP), where the precincts were a key recommendation.
  - Details of the Stage 1 consultation was outlined in the 15 March Council Meeting report Draft St Kilda Live Music Precinct Policy 2023.
  - 43 of the 61 respondents (70.49%) indicated that they were supportive of the LMAP goal to encourage maximum opportunities via the creation of music precincts and develop a range of initiatives to ‘broker’ harmony between venues and residents.
- 5.2 Stage 2 Desktop research, targeted stakeholder consultation – Developing the draft Policy
  - The Policy was developed with co-ordination from the live music precinct working group with the draft based on findings provided by extensive research and development and complemented by multiple industry stakeholder meetings, interviews and case studies.
- 5.3 Stage 3 Community Consultation – Testing and fine tuning the Policy (Refer Attachment Two)
  - Engagement ran 20 March – 14 April 2023

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- Council developed an online survey, provided through Council's 'Have Your Say' Project Page. This survey collected community feedback on proposed principles of the St Kilda Live Music Precinct Policy and gathered further information on potential opportunities for Council support.
- In addition to being included within the Council's Neighbourhood Engagement Program, Council delivered two stand-alone St Kilda Live Music Precinct Policy specific community pop-ups, seeking feedback from community members in key St Kilda locations.
- Community participation was supported through a dedicated Have Your Say project page and a communications campaign including promotion on Council's corporate channels, social media and postcards to surrounding residents.
- The campaign was delivered through: Divercity newsletter article, Live Love Local Business Newsletter, newsletter to individuals who previously showed interest in the project, Have Your Say website/tools, Council homepage banner, Council social media channels (Facebook and Instagram), Paid social media campaign, targeted email for distribution to mailing lists/social media e.g. Govt partners: Music Vic, Creative Vic and Australia Council, email to all 'featured artists database' musicians, postcards to all St Kilda and St Kilda West residents and Street Posters in 9 key locations for four weeks.

### Key Findings

- 5.3.1 367 people provided feedback, with 335 completing an online survey via Council's Have Your Say Page and 32 people providing feedback at four community pop-ups.
- 5.3.2 49% identifying as woman or female, 46% identifying as man or male, four (1%) participants identifying as non-binary, three (1%) who preferred a different term and 12 (3%) who preferred not to say.
- 5.3.3 Most participants were residents (56%) and lived in St Kilda (52%).
- 5.3.4 **Residents and Visitors:** Most participants identified as residents and visitors (N=323). Key themes from these participants includes:
- The majority shared positive comments about living near live music venues for their social, cultural and heritage value to St Kilda. (79 mentions out of 114 responses from those living near live music venues; and 105 mentions out of 245 responses from residents/visitors who attend live music events or venues)
  - Residents opposed to living near live music venues shared the negative aspects of noise from events and revellers leaving venues. Comments often expressed dissatisfaction with Council support, response to complaints or enforcement. (22 mentions out of 114 responses from those living near live music venues)
  - Areas of improvement were identified as: providing more diversity of music, improving accessibility to venues, improving safety, and stronger planning and governance to support residents living near music venues. (17 mentions out of 114 responses from those living near live music venues)

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- Participants would like to see more live music at venues, indoor and outdoor music events, a greater variety of music, increased promotion of events and a variety of hospitality venues surrounding music venues.
- There was a sentiment among residents and visitors that Melbourne's northern suburbs and CBD offered a more vibrant music scene. (61 mentions out of 252 responses)
- Residents and visitors felt the best ways Council could support live music and residents to co-exist was to provide access to enjoyable music experiences, promote live music events; and advocate to the State Government for better services for live music audiences.

5.3.5 **Live music venue workers, promoters and music businesses:** There was a smaller selection of responses from live music venue workers, promoters and music business (N=26). The key findings from these participants includes:

- Venues would consider hosting live music at their venues if the process was easier to obtain a permit. (10 out of 17 responses)
- Venues felt that Council could best support the live music industry in St Kilda through promotion; supporting venues when a complaint is made about them; and improving the permit process.
- There were further suggestions of financial support and incentives for music venues; utilising Council owned buildings; and educating residents.

5.3.6 **Local Music Artists and Performers:** This section was completed by those who self-identified as artists or performers. There were a total of 47 survey respondents to this section. The key findings from these participants includes:

- Participants felt Council could best support the music industry in St Kilda by continuing to run events in St Kilda that feature local musicians, linking local musicians with local venues and other creative industries; and engaging local musicians in Council funded programs and events.
- Other suggestions included: providing more infrastructure; increasing Council-run events that preference local acts; and incentivising musicians and audiences.

5.3.7 **Level of support for principles:** Participants were presented with five policy principles and asked to indicate their level of support. Overall, the level of support across all proposed principles was notably high.

- Principle 1: Protecting and encouraging live music whilst supporting community needs (91% strongly or somewhat support)
- Principle 2: Supporting community and live music industry to co-exist (92% strongly or somewhat support)
- Principle 3: Ensuring new buildings consider and plan for existing live music venues (94% strongly or somewhat support)
- Principle 4: Advocating to State Government to support the St Kilda live music precinct (88% strongly or somewhat support)
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### 5.4 Updates to the Policy

- 5.4.1 Draft changes have been made to the Policy which reflect and incorporate feedback received through the March/April community and industry consultation. (Refer Attachment One for the updated Policy).

Updates include:

- 5.4.2 Increased communications regarding live music impacts (those perceived negatively and positively) for relevant stakeholders.

For example:

**For residents:**

- 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.

**For venue and events:**

- Investigate opportunities to increase promotion and foster partnerships with existing music venues and events in the precinct where possible.
- 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.

**For musicians:**

- Develop and promote a searchable venue and open space database to communicate opportunities for collaboration.

- 5.4.3 Assistance for venues and events to diversify live music offerings according to identified gaps/priorities, including mechanisms to attract live music where the market doesn't meet identified needs.

- For example, support venues/events and musicians to use and update databases and communications to reflect specific information relating to diversity and inclusion in their live music programming and offerings.

- 5.4.4 Policy structure and wording has been updated to enhance readability and more clearly express intentions.

- For example, the outcome '*Explore the mapping of live music venues, in order to best manage and support live music activity*' has been expanded to '*Mapping of live music venues and public spaces within the precinct boundary, 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.*'
- Subtitles have been added to make the Policy easier to navigate.
- The primary key message '*More Music. Managed Better*' has been changed to '*Live Music. Managed Better*'
- *The Roadmap to a St Kilda Live Music Precinct* has been updated.

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- 5.4.5 The core live music activity area noted in the Preliminary St Kilda Live Music map has been refined to include live music venues such as the Dogs Bar on Acland St and the West Beach Bathers Pavilion along the foreshore. This map is still indicative only with precinct boundaries to be determined with further technical analysis.
- 5.4.6 The Policy will complete an annual desktop review yearly in June with additions or any significant updates to go through Councillor briefing and the CEO Report, increasing transparency and allowing for ongoing assessment through the life of the policy.

## 6. LEGAL AND RISK IMPLICATIONS

- 6.1 All relevant acts, regulations and laws will be complied with to implement the St Kilda Live Music Precinct Policy.

## 7. FINANCIAL IMPACT

- 7.1 There are no new financial implications in the endorsement of this Policy.
- 7.2 Budget allocated to the Live Music Action Plan (23/24 FY \$75k) will be used to support policy initiatives and the continuance of planning study work in 23/24.

## 8. ENVIRONMENTAL IMPACT

- 8.1 The draft St Kilda Live Music Precinct Policy contains measures to support noise management in the precinct and is progressing with technical planning reports that include comprehensive acoustic consultant findings.

## 9. COMMUNITY IMPACT

- 9.1 Live music plays a role in the everyday life of Port Phillip, being central to its communities, its identity and its past, present and future. Council produced the Live Music Action Plan (2021) (LMAP) to support live music in the municipality, including assistance through pandemic recovery and industry partnership. The St Kilda Live Music Precinct Policy is a key action in 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.

## 10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 10.1 The Policy is aligned with and delivers on the Vibrant Port Phillip direction of the Council Plan.

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.

## 11. IMPLEMENTATION STRATEGY

- 11.1 Once endorsed, Officers will commence work on delivering Policy initiatives relating to internal process, communications and advocacy priorities.
- 11.2 If approved, planning work will continue to support a local planning scheme amendment to designate a live music precinct in the Port Phillip Planning Scheme, with Councillors updated in a Briefing in August.

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### 11.3 COMMUNICATION

- Adoption of the St Kilda Live Music Precinct Policy will be communicated via Council's website and supported by an ongoing communications approach which will include Precinct branding.
- A launch event including a media call, will celebrate and declare the St Kilda Live Music Precinct.

### 12. OFFICER DIRECT OR INDIRECT INTEREST

- 12.1 No officers involved in the preparation of this report have any material or general interest in the matter.

#### ATTACHMENTS

1. [St Kilda Live Music Precinct Policy](#)
2. [Engagement Report - St Kilda Live Music Precinct Policy](#)