

UNCHAIN INC

St Kilda Festival Review:

Submission to the Port Phillip Council

May 2010

Introduction:

unChain St Kilda Inc (now unChain Inc) went to the Council elections in November 2008 with a policy on the St Kilda Festival. Our policy was to ‘review the benefits and costs of the Festival Sunday, in its current form, review the full program of events and seek ideas for alternatives’.

The Council is now considering a review of the Festival following a report commissioned from Cultural Value. The Review Report found that ‘there are divergent opinions co-existing within the host community regarding the future of the St Kilda festival’. (p. 39).

Former Councillor David Brand has accurately summarized the dilemma with his analogy of the resident wearing three hats. As a St Kilda resident, he or she bears the impacts on residential amenity, as a Port Phillip resident his or her rates significantly fund the festival and as a resident of Melbourne he or she enjoys the ‘free’ festival. No wonder opinion on the Festival is polarized.

A City of Port Phillip survey found that residents living within the Festival Precinct were more likely to strongly support Festival Sunday (34% compared with 26% of total residents), however they were also more likely to oppose the day (25% compared to 13% of total residents). (p. 31). This divergence is also true of unChain members.

Some unChain members would prefer to cancel the Festival Sunday and substitute a range of smaller events throughout the year. Others would prefer to keep the current structure with the big Festival Sunday. All however would agree that if the current structure is retained, there are significant ways the festival can be improved. All would also agree that it is important for the Council to encourage on-going community participation in decisions about the St Kilda Festival. All would also agree that the elected Councillors, not officers, should make the policy decisions on the future of the festival.

Option One presented by the Review is to run the St Kilda Festival in a similar manner to 2010. unChain submits that this is not acceptable. In recent years Council has taken significant measures to improve the festival from the perspective of local residents. Measures have included improved cleaning up, earlier finishing times, noise controls, a wider range of entertainments, controls on drunkenness, and resident participation in decision-making. It is important that these improvements in management continue and there is increasing local content. This will result in greater acceptance by the wider host community in St Kilda.

The question is where do we go from here? Option Two presented by the Review is to run the St Kilda Festival and implement some or all of the Review Report's recommendations. The Council has also invited any other suggestions regarding the future and conduct of the St Kilda Festival.

unChain St Kilda can support Option Two with the rider that some of the Review's recommendations that are not acceptable and there are other worthy ideas for the future of the festival that are not in the Review Report.

Alternative Options

Options Three and Four involve cancelling the Festival Sunday. Option Four involves running other events around the municipality during the year. unChain would like to see more rigor in seriously considering the other possibilities. The key issue is the future of the Festival Sunday. In considering the future it is not thought necessary to include Yalukit Wilam Ngargee Festival or Live N Local as both these events are stand alone and there is little controversy about them.

The Festival was started thirty years ago when St Kilda had a disreputable reputation and the festival was largely aimed at changing that perception. Thirty years later the demographic of St Kilda has altered considerably and property values have soared. The obsession about the need to attract people to St Kilda has disappeared; St Kilda is crowded in summer without doing anything. It can be argued that this sort of mass festival is no longer appropriate or necessary, and arguments about its 'importance to music' are of less relevance now that there are a number of festivals that cater for this aspect, like the Big Day Out.

The option of a series of smaller events every Sunday in February featuring live music, other arts performances, and other entertainment aimed at the locals had considerable local support and should be taken seriously. The events could be in the Catani Gardens for example, no food stalls, no road closures and alcohol permitted for people within the gardens. Similar events have been held recently in Glen Eira and at the Zoo and have been very civilized and successful with no alcohol problems.

Another option is that instead of a fixed St Kilda location, there may be a Port Phillip Festival, which could alternate in St Kilda, Elwood, Middle Park and Port Melbourne. This could spread out the festival into different Sundays.

Another option is to reinstate the Multi-cultural and Garden festivals. These took place in the St Kilda Botanical Gardens in Blessington St and were very successful.

Another option is to have a mini-St Kilda festival every Sunday by closing Acland Street to motorcars. The closure could take place through the year or just in the eight months of good weather in Melbourne. This would require the active co-operation of Acland Street traders and Yarra trams. It could involve an extension of the Sunday Arts Market into Acland Street. One consideration is that with the closure of the Southbank Arts market for a couple of years during reconstruction work, there may be a significant number of craftspeople who would like to relocate to St Kilda.

It is therefore submitted that even if the Council decides to continue with the existing structure, a process be set up to seriously consider alternative options in following years.

Resident Participation in Decision Making

The Review and the Community Reference Panel have provided an important opportunity for the local residents and traders to have a say. It will be important for the future of the Festival that an on-going means of community participation to be established.

There are two aspects of concern with the process involved in the 2010 Festival. Both involve the same concern: delay in releasing information that ought to have been available to the community. One was the consultant's report on noise levels and the other the consultant's review of the festival.

(a) The Noise report:

At a community consultation meeting at the end of 2008 unChain member Don Gazzard suggested that, as there was no real measured historical evidence about noise levels at earlier Festivals, an acoustic consultant should be commissioned to measure the noise levels at the 2009 Festival as a basis for determining appropriate noise levels for the 2010 Festival. A report prepared by consultant *auditoria pty ltd* was duly prepared and handed to the Council at the end of April 2009. Despite repeated requests to see this report it was not made available until another consultation meeting on 13th November 2009 over six months later, at which time it was claimed it to be too late to do anything about the noise levels for the 2010 Festival.

(b) The Festival Review Report

unChain understands that this report was commissioned in June 2009 and was submitted to Council in January 2010. We understand the Festival Committee was given a presentation about the Report, and hard copies of sections of the report were confidentially released to the members of the Committee at intervals, and the councillors were also briefed. However the final report was not released to citizens until some three months later on the 8th April, just three days before the officer's recommendations were put to Council. Citizens were then given until the 10 May to make comments or suggestions.

One might ask why reports like these are not made available to the public more or less as soon as they are received. They are only consultant's reports after all and there is nothing confidential in them. Even if they are only draft reports, early exposure may produce better final reports. Indeed the opportunity to provide feed-back on a draft report may be more significant than the opportunity merely to comment on the final report when the consultant has reached his or her expert, but subjective, conclusion on the matter. Why sit on such reports at the expense of allowing citizens plenty of time to make suggestions?

This is a general issue concerning access to information and the ability of citizens to have a say in their community. It goes well beyond the specific issue of the two festival reports.

It is submitted that the Council should adopt a protocol to ensure that citizens have access to consultants' reports and the opportunity to comment on them at the earliest possible time.

Public Benefit

The Review Report estimated the total economic contribution of Festival Sunday 2009 to St Kilda as \$14.6 million. However the economic benefits of holding mega events such as the St Kilda Festival and the Grand Prix are almost entirely fictitious.

A broad survey of the economics literature by Coates and Humphreys found an overwhelming consensus amongst professional economists that the economic benefits of mega events are either insignificant or totally non-existent.¹ They found that:

'Calls for subsidies at the local level come from interest groups and their consulting firms—which we call “promoters” of subsidization—who talk up local benefits of sports franchises, stadiums, and mega-events. As we shall see, promoters' claims of such local benefits don't hold up empirically'.

There is stronger agreement among economists about the uselessness of mega events and sports subsidies than there is about the benefits of free trade. Coates and Humphreys highlighted a survey of professional economists' that found:

'subsidies was but one of about 20 policy issues included in the survey, but Whaples highlights this issue as one of exceptional consensus—the other standouts being free trade, outsourcing, and the elimination of agricultural subsidies. The sports question, in fact, received the largest “strongly agree” response in the entire survey'.

The Review Report uses the concept of 'in-scope expenditure' which estimates the amount of money that would not have been spent in the region had the event not been held. This was based on a survey of 350 people. The Review Report has many of the flaws identified in the economic literature surveyed by Coates and Humphreys which critique such studies. The Review Report fails to get a realistic picture of the

¹ Dennis Coates and Brad Humphreys, 'Do Economists Reach a Conclusion on Subsidies for Sports Franchises, Stadiums, and Mega-Events?' (2008) *Econ Journal Watch* Vol 5, pp294-315.

Festival's injection of 'new money' since it fails to deduct the normal trade of a summer Sunday in St Kilda, and fails to deduct the losses to traders who close on the Festival Sunday and fails to deduct the cost to residents who leave and fails to deduct the income that is not injected into the local economy such as transport and external suppliers.

It is therefore submitted that the claimed economic benefit of the St Kilda festival are illusory, or at least not proven. The arguments for holding the Festival should be community based ones, not economic ones.

Funding:

It is clear from the Review that funding is a major consideration. The Festival was cancelled in 2006 but relaunched in 2007 with private sponsorship from Fox-Tel and the state government.

unChain understands that the budget for the 2010 festival was approximately \$1.3 million. Council budgeted around \$500,000, Fox paid \$250,000, the state government contributed \$100,000 and the balance was raised from revenues such as car parking fines and fees paid by traders. unChain believes that not all Council costs were captured by the budgeted figure and there were perhaps additional costs of \$100,000 or more in the 2010 festival.

The Review Report found that

'Largely due to budget limitations, the Festival has restricted capacity to address shortfalls in artist performance fees, develop existing programs and connections, support creative developments, commission new works, engage professional advice or broker new creative partnerships'.

Nine of the thirteen recommendations in the Review Report called for increased funding (p.81-83). The report does not give any estimate of the cost of these recommendations. A guesstimate of the cost of the recommendations is that they exceed \$500,000. Without an estimate of costs, it is difficult for Council to assess whether each recommendation is worthwhile. Furthermore while the recommendations themselves may be desirable, the question is who should pay.

There are limits on the ability of ratepayers to fund ever-increasing costs of the Festival into the future. Council has to balance the merits of an additional (say) \$250,000 for the Festival each year against the many other claims on its budget. unChain therefore believes that the current level of expenditure should be maintained and that Council seek other ways of financing the recommendations.

The state government contributes \$100,000 to the Festival. This would be a generous contribution if the festival were only a local celebration as was its original purpose. The review states that:

'What began as a two-day celebration of local culture designed to help shift the public perception of St Kilda, has since become a week-long event with

multiple programmatic offerings culminating in Australia's largest outdoor cultural event.' (p. 13)

Over its thirty-year life, the festival has grown into an event of state significance. The Review Report states that only 27% of the attendees at the 2009 Festival came from Port Phillip — 52% came from the rest of Melbourne, 11% from Victoria outside Melbourne, 6% from the rest of Australia and 7% from the rest of the world. It is therefore appropriate for the state government make a significant contribution if it wishes to maintain and improve an event of state significance.

It is relevant to compare the level of state government contributions to the Grand Prix. The Annual report of the Australian Grand Prix Corporation disclosed that the state government contributed \$52 million to the 2009 Grand Prix and the real costs to the Victorian taxpayer of the 2009 race have been estimated at \$73 million. The Grand Prix Corporation has claimed that 305,000 people attended the 2010 race over four days. This is a similar level to the numbers attending the St Kilda Festival. Why then should the Grand Prix attract such a disproportionate level of state government funding? If the state government were to contribute to the St Kilda Festival only 1% of its contribution to the Grand Prix, this would amount to over \$500,000, sufficient to fund most, if not all, of the recommendations in the Review Report.

It is therefore recommended that the Council seek a substantial increase in the level of state government contributions to the St Kilda festival.

Another potential source of funding is to generate more revenue. It is possible to expand the number and area of Council-operated bars in the Festival precinct as considered in the Review. This could also involve a significant increase in the price of alcohol.

A third potential source of funding is to consider some 'user-pays' contributions. It is surprising that the Review treats it as a 'given' that the Festival will remain an unticketed event (p.62). It is appropriate for Council to consider ways of cost-recovery if there are substantial additional costs for future festivals.

The Festival could sell a day-ticket to certain enclosed venues, such as O'Donnell Gardens and South Beach. This would be logistically easy. The rest of the festival would remain 'free', preserving its traditional open access philosophy. If 100,000 people paid the modest amount of \$10 for a ticket, the Festival would raise an additional \$1 million. These extra funds could pay for the established musicians who perform at the prime venues. The Review noted the festival's future difficulties in attracting a strong line up of established musicians if industry-standard fees are not paid.

It is recommended that the Council Budget for the Festival remain at the same level as in the 2010 festival. This should be accurate and transparent and must reflect the actual level of Council contribution to the Festival.

It is also recommended that increases in the Festival Budget to meet some or any of the Review's recommendations should be achieved by:

(a) increased state government subsidies

- (b) the introduction of some fees for festival attendees
- (c) increasing the revenue generated at the Festival.

Alcohol Consumption

Problems flowing from alcohol consumption constitute a major impact on residential amenity and the enjoyment of the festival for festival attendees. The Council has implemented various strategies to curb these problems with significant success. In particular the Council has enacted local laws that make the festival precinct an 'Alcohol Free Zone' with the exception of licensed premises including four Council-managed bars. The concept is that anti-social behaviour can more easily be controlled in bars operated by the Council.

There is a significant anomaly since alcohol can be purchased from take-away outlets (with limits) but cannot be consumed, as the festival is an alcohol free zone. In theory alcohol should only be consumed at the licensed venues.

One possibility is that on the Festival Sunday take-away liquor outlets be closed as a condition of their licenses through Liquor Licensing Victoria. A preferred alternative is to allow the sale of take-away alcohol (with the current restrictions) but for consumption only at areas set up and managed at the expense of the take away liquor outlets.

Noise Abatement

Possibly the second most significant adverse impact on residential amenity is noise, after only alcohol-related issues. The Council has taken non-trivial measures relating to noise but significant issues remain. The noise levels are of great concern to a lot of St Kilda citizens. Acceptable noise levels constitute a political decision that should be made by the councillors.

As discussed above a report prepared by consultant *auditoria pty ltd* measured the 2009 noise levels and it simply recommended that these measured levels should be adopted for the 2010 Festival. unChain had this report evaluated by an eminent acoustic consultant and in December 2009 we submitted to the Council that noise levels at the 2010 Festival ought be reduced from 90dB(A) to 75dB(A). This report is attached.

The decision to adopt the 2009 noise levels was made at officer level without reference to Council. The Festival Review Report (prepared by Cultural Value) blandly states (p. 69) that:

'The Festival has adopted the recommended Noise Abatement Plan without exception, and has established a benchmark in relation to sound levels. This reflects good practice.'

What Noise Abatement Plan? Some unexceptional suggestions about the location of stages and the arrangement of loud speakers were certainly adopted for the 2010 festival, but the very high noise levels were simply permitted to continue unabated. They established a far too high benchmark by repeating what had been measured in 2009 and then assert this is good practice.

Noise levels for outside concerts are not a technical issue and there are no legally prescribed limits. This is a political decision involving a significant balancing of interests. The elected councillors should make such decisions, after inputs from officers, the community and other stakeholders. This is not a matter for officers to determine.

It is submitted that the noise levels at the 2011 Festival ought be reduced from 90dB(A) to 75dB(A).

Engaging the Local Community: 'Port Phillip Conversations'

The Review states:

'Active civic engagement, particularly at the local level, contributes to a sense of community ownership of an event and ways to extend the existing levels of participation should be part of the Festival's mission of continuous improvement'.

unChain agrees with that statement.

One possibility Council should consider is an area dedicated to local organisations like that at World Music Adelaide (WOMAD). This could be called 'Port Phillip Conversations'.

'Port Phillip Conversations' would provide an area for Port Phillip not-for-profit organisations to establish stalls for information and fund-raising activities. Examples of the wide range of eligible organisations are the Port Melbourne Historical Society, the local University of the Third Age, EarthCare, the South Melbourne Districts Football Club, the local Tenants Union, Elwood Primary School, the Friends of the St Kilda Cemetery, the local branch of the Liberal Party, Alma Dogs and unChain.

The perfect site for this celebration of local community organisations would be the St Kilda Triangle. If the current BMX and other users of the site are thought appropriate, these could be relocated to a less iconic location.

It is therefore submitted that the festival should incorporate 'Port Phillip Conversations' which would provide an area at the St Kilda Triangle for Port Phillip not-for-profit organisations.

Encouraging Artists:

It is suggested that the Festival could do more for encouraging young artists other than simply staging an event: Examples are:

- Providing a timetabled 'signing' destination for local bands to sign CDs and other items or just to meet fans. This is a successful feature of WOMAD.
- Providing workshops for musicians at all different skills levels.
- Providing a Geoffrey Robertson-type 'hypothetical' on the business of Music for young musicians with experienced professionals on the panel with backgrounds in accounting, law, songwriting, radio play lists, live venues, publishing companies etc. The perfect venue for this would be the Palais.

It is therefore submitted that the Festival could do more for encouraging young artists such as providing a Geoffrey Robertson-type 'hypothetical on succeeding in the business of music.

Summary of unChain Inc Recommendations for the St Kilda Festival:

unChain has made ten recommendations for the St Kilda Festival. They are:

1. unChain St Kilda can support Option Two: to continue the St Kilda Festival and implement some significant improvements.
2. Council should set up a process to seriously consider alternative options which could add to or replace the current structure.
3. Council should adopt a protocol to ensure that citizens have access to consultants' reports and the opportunity to comment on them at the earliest possible time.
4. Council should take into account arguments for holding the Festival based on community benefits and desires, not economic benefits. The claimed economic benefits of the St Kilda festival are illusory, or at least not proven.
5. The Council Budget for the Festival remains at the same level as in the 2010 festival. This should be accurate and transparent and must reflect the actual level of Council contribution to the Festival.
6. Increases in the Festival Budget to meet some or any of the Review's recommendations should be achieved by:
 - (a) increased state government subsidies
 - (b) the introduction of some fees for festival attendees
 - (c) increasing the revenue generated at the Festival.
7. Council should allow the sale of take-away alcohol (with the current restrictions) but for consumption only at areas set up and managed at the expense of the take away liquor outlets.
8. The noise levels at the 2010 Festival ought be reduced from 90dB(A) to 75dB(A).

9. The festival should incorporate 'Port Phillip Conversations' which would provide an area at the St Kilda Triangle for Port Phillip not-for-profit organisations.

10. The Festival could do more for encouraging young artists such as providing a Geoffrey Robertson-type 'hypothetical on succeeding in the business of music.

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Memo

From: Dr. Norm Broner
Subject: St Kilda Festival Noise Levels
Date: 24 December 2009
Project: VW124.7

Further to your request, we have reviewed the report titled “St Kilda festival 2009 – Festival Sunday Sound Report” dated 30 April 2009 and comment as follows:

1. We have not seen Council’s brief to Auditoria. We assume that they are reporting in accordance with their brief.
2. The report seems to simply record the existing noise levels for each stage setting and provides generic type comments about each stage/performance area.
3. There is a general acceptance of the levels as being produced. This may well be acceptable from the entertainment perspective but clearly is not acceptable from some of the resident’s points of view.
4. The sound modelling included did not really seem to add anything particularly constructive to any conclusions.
5. There is no supporting information as to why the community should accept the levels proposed by Auditoria (in Section E 7.1) of L_{max} 90 dBA and 105 dBC at the residential boundary except that these levels seem to be what is currently happening. The question is really whether these levels are unacceptable for a once-off event held predominantly during daytime hours. This issue is not really addressed apart from Reference to Clause 26 in Policy No N-2. In Clause 26, reference is made to “the emission of music noise should comply with guidelines to be issued by the Authority” (ie the EPA). As the Authority has not issued any guidelines publicly, and in their absence, one would expect that the requirements of Clause 17 should be met viz “The noise limit for outdoor venues is 65 dBA when the measurement point is located outdoors...” (this limit is in terms of the L_{Aeq} . Note that the L_{Aeq} will be of the order of 5 – 10 dB less than the L_{max}).
6. Clause 27 (a) of EPA Policy No N-2 limits operating times for outdoor venues to between 12 noon and 10 pm if the duration of the operation is greater than 5 hours. Clause 27 (b) stipulates that if a later operation is to occur, then music noise is to be inaudible within all noise sensitive areas unless the Festival is classed as an event of special social significance.
7. The Noise Management Plan appears to basically just simply boil down to the suggestion/requirement that noise levels should be measured at similar locations and compared with last year’s. There did not appear to be any particular

acknowledgement or useful information in relation to meeting the resident's concerns

Should you have any queries concerning the above, please feel free to contact us.

Yours sincerely

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