



**THE OMBUDSMAN
VICTORIA
REPORT
OF THE INVESTIGATION
INTO
ALLEGED FAILURE
OF STATE AND LOCAL AUTHORITIES
TO ENSURE ADEQUATE PROVISION OF
PUBLIC TRANSPORT AND
ENVIRONMENTAL HEALTH STANDARDS
AT THE "GUNS N' ROSES" CONCERT
AT CALDER PARK RACEWAY
1 FEBRUARY 1993**

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THE OMBUDSMAN
VICTORIA AUSTRALIA

& The Deputy Ombudsman (Police Complaints)

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The Hon. J Delzoppo
Speaker
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Mr President and Mr Speaker,

In February 1993, I received a number of complaints from patrons, parents of patrons and local residents following the staging of the "Guns N' Roses" concert at the Calder Park Raceway, Sydenham on the Australia Day public holiday on 1 February 1993.

The complainants alleged failure to provide adequate public transport, a failure to ensure that adequate environmental health standards were achieved including the provision of drinking water and the unreasonable confiscation of food and drink from patrons.

I decided to investigate the complaints on my own motion, as they covered almost the full spectrum of the concert arrangements and actions of all parties involved. Some complaints raise matters outside my jurisdiction, but involving the Office of Fair Trading and I have supplied that Office with the relevant information.

It was not practical to completely divorce the non jurisdictional issues without distorting the full concern of patrons or the value of this Report, so I have taken the liberty of commenting on these issues.

My investigations were to determine whether the complaints generally had merit and although I was well aware that it would be impractical to obtain individual redress for each complainant, the real issue was, if complaints were justified and arose through inadequate organisation or administration that a proper workable co-ordinated infrastructure of facilities, transport, toilets, with standards of ethics for vendors be established and enforced.

It was apparent during my investigation that an earlier concert produced similar complaints but despite comprehensive reporting of this, no lessons were learned, and the deficiencies were ignored or overlooked at the time this concert was being arranged and conducted.

I have made five recommendations in the Report, a copy of which will be forwarded to the relevant Departments. I am now referring the Report to Parliament for consideration.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Norman Geschke", written over a horizontal line.

(Norman Geschke)

OMBUDSMAN

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PUBLIC AUTHORITIES INVOLVED

Public Transport Corporation
Department of Planning and Development
City of Keilor
Victoria Police
BASS Victoria
Department of Transport

PRIVATE ORGANISATIONS

Calder Park Raceway Pty Ltd
Frontier Touring Company Pty Ltd
New Breed Security Pty Ltd
Sunbury Bus Services
AVS Catering Pty Ltd

INTRODUCTION

On 1 February 1993 (Australia Day public holiday), Frontier Touring Company Pty Ltd, in conjunction with Calder Park Promotions Pty Ltd, staged the "**Guns N' Roses**" concert outdoors at the Calder Park Raceway National Racing Circuit adjacent to the Thunderdome at Sydenham.

The concert was conducted over an eight hour period between 3 pm and 11 pm and featured a number of support groups which were of international standing and culminated in the feature event being an American group "**Guns N' Roses**".

Approximately 70,000 patrons aged apparently from 10 years to adult, attracted from Melbourne and suburbs, country Victoria, interstate and from overseas, attended at the concert. Queuing of patrons began the night before, with some patrons camping on the Thunderdome complex in readiness for entry to the venue. This was scheduled for 11 am but occurred at about 12 midday on 1 February.

Transport to the venue was by private bus, private car and taxis. All catering and ablution facilities were organised and provided by the Calder Park Raceway.

Crowd control and security was provided by the Promoters, and Calder Park Raceway which engaged private security agents. Law enforcement and traffic control was provided by the Victoria Police which partially recovered its costs from the Promoters.

First aid was provided by St. John Ambulance Australia (Vic) and limited resources from Metropolitan Ambulance Service. Two doctors and a nursing sister were in attendance from Preston and Northcote Community Hospital.

Ticketing facilities were provided through BASS outlets and all tickets sold were accompanied with a ticket wallet insert advising patrons that cameras, tape recorders, alcohol, bottles or glass, eskies, chairs, animals, umbrellas and weapons were banned in the interests of public safety, comfort and protection. Patrons were also advised that food and beverages would be on sale at the venue and to bring a raincoat if necessary. Other information also indicated that no pass outs would be available.

The conditions were confirmed in the press and in other advisory material produced for patrons.

The concert was staged under an existing 1984 Planning Permit for the Calder Park Raceway which required further approval from the City of Keilor. Approval was granted for a "one-off" concert on a trial basis subject to certain conditions.

Following the concert, my Office has received 47 complaints which relate to:

- (1) the confiscation of food and drink;
- (2) the high prices charged for food and drink;
- (3) inadequate vending outlets for food and drink;
- (4) lack of toilet facilities;
- (5) the action of security staff in preventing persons carrying water in used drink containers;
- (6) inadequate water supply;
- (7) inadequate public transport;
- (8) traffic congestion;
- (9) offensive language used in public announcements and during the entertainment;
- (10) from a local resident alleging breaches of the existing Planning Permit; and,
- (11) lack of first aid facilities.

I decided to formally investigate, on my own motion (Section 14 of the Ombudsman Act), the complaints related to the alleged failure to provide and maintain adequate environmental health and safety standards and facilities, drinking water and public transport.

Because there was an inextricable link between State, and local authorities and the Victoria Police, emergency services and private organisations, in the planning and delivery of services to the concert, it was not possible to realistically investigate the complaints without affording the opportunity for organisations outside my jurisdiction to provide input. All such organisations readily provided information and advice and co-operated with the investigation.

Similarly, in providing a useful report, it is not practicable or equitable to make comments related only to the involvement of State and local authorities, in isolation of all of the information provided.

For the purposes of the investigation, I defined the administrative actions as alleged:

- (1) unreasonable failure of the City of Keilor to:
 - (a) ensure sufficient/adequate toilet facilities,
 - (b) ensure sufficient/adequate water supply,
 - (c) provide adequate maintenance of health standards, and
 - (d) ensure conditions of the Permit granted were adhered to and were appropriate in the circumstances;
- (2) unreasonable failure of the Public Transport Corporation (PTC) to provide any and/or adequate transport to service the patrons.

THE COMPLAINTS

Forty-seven complaints have been received from patrons, parents of patrons and local residents. I am advised complaints have also been received by the Promoters, Calder Park Raceway and the City of Keilor.

In summary, the complaints received by me related to:

- (1) Confiscation of food and drink on entry

In many of the complaints, patrons outlined that because of the restrictions, they undertook to purchase items of food such as sandwiches, rolls, etc, or to prepare lunches and bring "Tetra Pak" type drinks in cardboard containers so as not to offend the guidelines of entry as advertised, only to have the items confiscated at the main entry gate.

In a number of circumstances, particularly, young patrons have alleged whilst waiting outside the gates for up to five hours, they purchased souvenirs and memorabilia and were then without funds. On entry, their prepared lunches were confiscated and they were then not able to purchase food and particularly drink.

In a serious incident, a young female patron from the country who had her prepared lunch of bread rolls and drink confiscated and who did not have money to purchase replacements, collapsed with a severe respiratory arrest from dehydration. She had stopped breathing for a period of time which also necessitated cardio-pulmonary resuscitation. She was subsequently transported to the Western Hospital and after discharge, remained in bed for a period of one week.

A further patron who had collapsed due to dehydration and heat exhaustion was treated by First Aid officers who supplied her with a small bottle of water to replenish her body fluid. Despite her protests, the bottle of water was confiscated by security officers when she attempted to enter the concert venue.

A number of patrons also had sunscreen confiscated at the gate and were directed by security officers to a vendor who was dispensing and selling sunscreen from a bulk container.

(2) High cost of food and drink

Allied to the complaints concerning the confiscation of food and drink, were complaints alleging that an exclusive arrangement existed whereby food and drink was confiscated and then high prices were charged to a captive market which had either to pay the prices or go without. Given that the majority of patrons were at the concert venue for up to 20 hours and the extreme weather conditions, going without was not an alternative.

(3) Lack of vending facilities of food and drink

A common complaint related to the need to queue separately for food and drink and the time taken of up to one and a half hours in each of the queues.

(4) Inadequate water supply

Extremely hot weather conditions caused patrons to have a greater need for drinking water. Patrons claim they were forced to obtain water from toilet hand-basins and from toilet water service supply. The complaints strongly suggest that the lack of available water was designed to cause patrons to purchase the mineral and spring water being sold at high prices on behalf of sponsors of the concert.

(5) Inadequate public transport

A number of more mature patrons and parents of younger patrons were particularly critical that an inadequate bus service caused delays of up to four and five hours in patrons arriving back in the City, which was too late to connect with train and tram services. The delay caused many young patrons to wait in the City until the first train and tram services commenced at 5 am the following morning.

(6) Inadequate toilet facilities

Complainants outlined both insufficient numbers of toilets being available, resulting in particularly females, waiting in queues for in excess of one hour. The delay was exacerbated by toilets becoming unserviceable due to disconnected water supplies or lack of maintenance.

In one instance, a female complainant outlined that as an alternative to using an area of ground which had been screened off between two toilet cubicles for females to use as a makeshift toilet, because the toilets had become unserviceable, and further because the screened area was in view of other patrons in elevated positions around the concert venue, she decided to use a male toilet whilst a male companion provided security for her. The complainant further advised that the screened off area later became a saturated and smelling swamp due to the heavy rains and the urine.

(7) Unreasonable attitude of security staff

One complainant indicated that whilst waiting at the main gates and with the ambient temperature rising, he became thirsty and although he wanted to purchase a drink, he was told by security staff if he left the queue, he would not be able to rejoin the queue in the same position and would be required to go to the end of the queue.

Inside the concert venue, it is alleged that security staff using knives deliberately slashed numerous drink containers that patrons were using to obtain free drinking water from a tap.

(8) Lack of shade and shelter

Some of the 1,726 patrons suffering from dehydration were initially treated out in the open in the direct sunlight and it was not until later that the State Emergency Services were called to erect makeshift shade protection.

Patrons who had been waiting outside the gates for up to five hours were then required, because the venue was without seating, to stand shoulder to shoulder in the open for up to a further seven or eight hours in the direct sunlight. There was no opportunity for relief and with the only alternative to leave the concert and not be able to return, as pass outs were not available.

(9) Breach of conditions of Planning Permit

An adjoining resident to the Calder Park Raceway complex has complained that Calder Park Raceway had breached the conditions of the Planning Permit in that:

- (a) it did not provide adequate notice of the event;
- (b) there was continual air traffic overhead from helicopters;
- (c) had not complied with an order of the Planning Appeals Tribunal in 1984 to provide soundproofing for her home;
- (d) did not carry out noise attenuation works to minimise the propagation of noise;

(e) did not locate and design lighting so that glare would not be emitted outside the site.

(10) Inappropriate venue

A number of complainants expressed the view the venue lacked facilities of shade, shelter, sufficient toilets, seating and it was not serviced by Metropolitan public transport.

(11) Traffic control

The decision by the Victoria Police to close off the Calder Highway and other adjoining roads near the complex was unacceptable to local users.

The decision to close off access to the pick-up point from taxis and parents was also deemed unreasonable.

Problems with a previous concert

This Report ("Guns N' Roses" concert), was completed and a draft sent to the various agencies for comment prior to a file we had been seeking and were unable to locate, turned up in the Public Records Office.

This was a Health Commission of Victoria file which indicates that the problems experienced with the "Guns N' Roses" concert were very similar to those at the earlier concert in 1977.

I have enclosed the following from the file.

- Appendix (a) a note of action dated 10 January 1977 from the Acting Secretary of the former Health Commission.
- Appendix (b) photocopy of an article in "The Age" dated 11 January 1978.
- Appendix (c) a letter of 5 January 1978 from the Commissioner of the City of Keilor to the then Minister for Health.
- Appendix (d) Victoria Police report dated 15 November 1977.

It is obvious that despite the criticism and recommendations made following this earlier concert, that little notice has been taken of this earlier experience.

My suggestion that a Public Services Event Co-ordinator be appointed for future similar events, stems in part from this, and an obvious failure of co-ordination of agencies to properly address the requirements of events of this type.

CONCLUSIONS

From my investigation on the basis of information available to me, including viewing the security film made available by the Victoria Police, I reached the conclusions that the following administrative actions are established.

Environmental health

- (1) Unreasonable failure of the City of Keilor to ensure the provision and maintenance of adequate toilet facilities.
- (2) Unreasonable failure of the City of Keilor to ensure the provision of adequate water supply, particularly with the forecast of extremely hot weather conditions.
- (3) Unreasonable failure of the City of Keilor to ensure adequate facilities were established for first aid stations.

Engineering

- (4) The unreasonable failure of the Department of Planning and Development to ensure the construction of the temporary stage complied with specifications.
- (5) The failure of the City of Keilor to consider giving consent to the erection of the stage on the site proposed, in accordance with the provisions of the Health Act 1958.

Planning Permit

- (6) Unreasonable failure of the City of Keilor to ensure that certain conditions and the intent of the Planning Permit were complied with in relation to noise monitoring, noise attenuation, lighting, public announcements and the modifications of nearby homes to reduce the effect of noise.

Council approval

- (7) Unreasonable failure of officers of the City of Keilor to ensure the conditions on which Council approved the concert were complied with in that they failed to:
- (a) provide explanation to local residents of the trial being undertaken to enable Council to respond to future applications by promoters and organisers to hold concerts at the venue;
 - (b) guarantee that the results of the monitoring would be made available to the public;
 - (c) ensure proper facilities, e.g., adequate toilets were provided; and,
 - (d) failed to arrange the programme to spread the likely arrival times of patrons and ensure earlier opening time of the venue.

Public transport

- (8) Unreasonable failure of the PTC as a multi-modal service provider of publicly owned transport infrastructure to adequately examine its capacity and the range of business options available to respond to the opportunity to utilise its assets and provide services to a significant public event.

Victoria Police and Emergency Services

- (9) Internal reports provided by the Victoria Police indicate planning for and operations at the concert were not in accordance with policy and directions. Traffic control was inappropriate and full recovery of incurred costs in accordance with the provisions of the Police (Charges) Regulations 1992 and the requirements of the Planning Permit, did not occur.

- (10) Police did not take action to limit, prevent or prosecute offenders for the use of offensive language in public announcements and during the performance, in a public place.

Community standards

- (11) Unreasonable failure of the Department of Planning and Development to ensure appropriate standards are developed for the provision of sanitary facilities at outdoor venues, concerts, festivals, sporting meetings, etc.

Catering

- (12) I accept the advice of AVS Catering Pty Ltd that it appears at least one subcontractor may have taken advantage of a captive market and the desperate conditions and overcharged for particularly drinks. I am advised the subcontractor will not be employed in the future by AVS Catering Pty Ltd.

With regard to the scale of charges generally, I have provided all information obtained during my investigation to the Office of Fair Trading for review.

The charges as shown on contracts entered into between the caterer and subcontractors appear to be similar to those charged at other large sporting events and festivals, for example, Melbourne Cricket Ground, Waverley Park, Moomba and Flinders Park, however, the justification for the margins realised by vendors is a matter to be determined by the Office of Fair Trading.

RECOMMENDATIONS

- (1) *All future events other than race meetings held at Calder Park be subject to a separate Planning approval.*

The staging of any event attracting significant numbers of patrons over an extended period requiring significant level of community and private services influencing local and adjacent environs and with the capacity to create emergencies requiring response from Displan, should be the subject of community debate and input from relevant Service Providers and potentially effected persons.

- (2) *A Public Services Event Co-ordinator be appointed for each such event to ensure a co-ordinated and desirable approach to the provision of all necessary public services.*

The co-ordinated provision of public services, both State and local authorities, appears to have been non-existent. The potential existed for a significant contribution at public expense being required to respond in the event of a disaster.

The requirement of the PTC to achieve cost recovery, particularly when it is involved in special events, would be regarded by most taxpayers, particularly non-user taxpayers as desirable. However, unless the potential of all associated costs and inconveniences to be incurred by the community from not using public facilities, are assessed, the true costs to the community of not providing the services may exceed what would be otherwise required as an acceptable subsidy. In this instance, a major public freeway was closed off to public use, significant additional numbers of police officers were required to control traffic, traffic congestion occurred in nearby suburbs to the Raceway, patrons waiting to board buses in Flinders Street, City caused disruption to pedestrian and road traffic and minority aged patrons unable to connect with last train services were stranded in the City overnight awaiting resumption of regular train services at 5 am the following day. The result is clearly unacceptable when compared to the result achieved in servicing the Eastern Creek concert which utilised public transport services.

The PTC simply did not consider the feasibility of using its fleet of some 360 buses to service a train/bus shuttle or to provide a direct bus service from the City.

Some 1,726 patrons were treated out in the open without shade and in temperatures reaching 38 degrees Celsius. Fourteen of the patrons treated were hospitalised, one in a comatosed condition. At some time later, the State Emergency Services attended to erect limited shade areas for the affected patrons.

The Metropolitan Ambulance Service, which is a major participant to Displan, was intended by the organisers not to have a role to play.

Council officers during interview indicated that they tended to accept advice from the organisers that services would be adequate and would be provided to an acceptable standard. As an example of unacceptable performance, officers two months after the concert, had no idea of the number of toilets provided onsite, despite having a responsibility to ensure community health standards were maintained and specifically to ensure compliance with Council's conditions of approval for a one-off concert on a trial basis. The conditions obviously required that information be provided from the trial so that members of the public could consider, and Council could decide any future applications.

As a further example of lack of co-ordination, I am amazed the application for construction of the temporary stage was approved with consideration that the concert was to be held in the adjacent Thunderdome complex, where the high earthen mounds completely surrounding that complex would have provided added protection from winds.

- (3) *The planning and response of Police and Emergency Services and the capacity of facilities and services to respond to ongoing needs and potential emergencies be subject to planning and direction of the Victoria Police Major Incident and Planning Unit.*

Many of the reported incidents, lack of facilities, inappropriate traffic control, the effects of oppressive weather conditions, the reaction of active and excited minority aged patrons, the anti-authoritarian allurements of the "**Guns N' Roses**" band described as "the most dangerous rock band in the world", had the potential to cause disruption on a scale, requiring a Displan response.

It is to be noted that two fans died during a "**Guns N' Roses**" concert at the 1988 Castle Donnington Festival in England. Their concert in St. Louis during 1991 US tour, saw a band member hurl himself at a patron who was taking photographs without permission, with the result a riot occurred causing damage estimated at US\$200,000. In Montreal in 1992, the band left the stage halfway through a performance allegedly because a member had a sore throat. As a result, the crowd rioted.

I have examined documents which set out the planning approach of the Major Incident and Planning Unit to major events, and I accept the approach is appropriate when dealing with events particularly of this nature. The success of the Avalon Air Show earlier this year is an example of the success from such planning following involvement of the Unit.

- (4) *As a matter of urgency, Statutory standards be determined to ensure the adequate provision of sanitary facilities and drinking water at outdoor concerts and festivals.*

It is unacceptable that officers who are charged with the responsibility of public environmental health have procrastinated for over a quarter of a century that outdoor concerts and festivals have been held, to provide direction to ensure minimum standards are achieved. If the responsible Department is not able to provide appropriate advice to draft the regulations, then consultants should be engaged to undertake the work.

- (5) *All future applications for Planning approval for such events, particularly those where it is proposed be held at venues where permanent facilities are not established, be accompanied by an appropriate and professional risk assessment report.*

The assessment would identify, evaluate and provide advice on action to control foreseeable and likely exposures that such events can be influenced by and recommend action to make the outcomes more predictable.

In this instance, a risk assessment of potential exposures related to the "Guns N' Roses" concert at Calder Park on 1 February 1993 would have included identification and evaluation of exposures to PERILS from fire, landslide, temperature extremes, wind, arson, building collapse, sabotage, riots, explosions and vandalism.

THE INVESTIGATION

I appointed Ian Dole of my staff to carry out a detailed investigation. His investigative action included interviewing representatives of:

- (1) Calder Park Promotions Pty Ltd;
- (2) Frontier Touring Company Pty Ltd;
- (3) City of Keilor;
- (4) Public Transport Corporation;
- (5) Sunbury Bus Services;
- (6) New Breed Security Pty Ltd;
- (7) AVS Catering Pty Ltd;
- (8) Victoria Police; and
- (9) The Department of Public Transport.

The following organisations were also contacted:

- (1) The Metropolitan Ambulance Service;
- (2) St. John Ambulance Australia (Vic);
- (3) The Department of Planning and Development;
- (4) Vic Roads;
- (5) BASS Victoria;
- (6) The Department of Justice - Office of Fair Trading;
- (7) The Melbourne City Council;
- (8) The State Rail Authority of New South Wales - City Rail;
- (9) Eastern Creek Raceway - New South Wales;
- (10) Blacktown City Council - New South Wales; and
- (11) Davis and Associates, Consulting Structural and Civil Engineers.

Of the 47 complaints received, 13 complainants were interviewed by telephone and two initially were interviewed and statements taken.

On the invitation of Mr. Bob Jane, Managing Director, Calder Park Promotions Pty Ltd, Mr. Jane personally provided an inspection for myself and Mr. Dole, of the concert venue, parking facilities and access routes to and from the venue.

At the time of the inspection, the temporary facilities had been or were being dismantled.

In order to avoid duplication, it was agreed with the Office of Fair Trading, that I would pass on any information concerning unfair trading, exclusive arrangements or any other information obtained during the investigation, which would require further investigation by that Office.

The Venue

The concert was staged at the northern end of the "National Car Racing Circuit" of the Calder Park Raceway, adjacent to the Calder Freeway, Sydenham. The venue is situated approximately 25km from the City of Melbourne. The complex is adjacent to the non-electrified Melbourne to Bendigo rail line and is approximately 3km north west of the Sydenham Railway Station.

A temporary stage was erected at the venue and the area for patrons was divided into two areas, e.g, Section (A) closest to the stage, with a capacity of 25,000 patrons and a General Admissions section, accommodating the balance of the patrons, estimated at 45,000. The General Admissions section had capacity available up to 60,000.

Each area was provided with dedicated catering, first aid and ablution facilities.

Approximately 30,000 car-parking spaces were available on land east of the Thunderdome complex and up to 1km from the venue.

Patrons arriving at the venue prior to the opening of the gates were required to queue outside a security checkpoint.

On entry to the concert venue, patrons were subject to three security checks. Items banned from the concert were either able to be cloaked, or patrons were refused entry, or the items, particularly food and drink, were confiscated and disposed of by security staff.

The northern end of the National Raceway is surrounded by earthen mounds approximately 10 metres high and there is no undercover facilities available for patrons.

A taxi and parent pick-up and set-down point was established adjacent to the main gate of the complex off the Calder Freeway. Patrons were advised the area would be available for pick-ups from 10.00 pm. A warning was given in the official brochure for parents to arrive in the area by 10.00 pm, as the Calder Freeway may be closed.

No seating was available to patrons who were required to stand throughout the concert and whilst waiting in queues.

The Planning Permit

The use of the Raceway is permitted by a Planning Permit issued on 19 October 1961 for the purpose of "motor racing and sprint horse race track and associated sporting and recreational activities".

On 24 September 1984, the Planning Appeals Board heard appeals from the Environment Protection Authority, the National Parks Service, the Shire of Melton and three adjacent residents, against a decision by the City of Keilor to grant a Permit subject to 44 conditions for an extension of the Raceway.

On 9 October 1984, the Board disallowed the appeal, subject to conditions which included:

- (a) noise attenuation hoarding type barriers around the northern and north eastern parts of both the western and eastern circuits to the satisfaction of the City of Keilor;
- (b) motor racing of any type may only be conducted between the hours of 9 am and 10.30 pm with an additional 30 minutes for unscheduled delays, but with such motor racing not extending beyond 6 pm or more than one night in any week (Monday to Sunday) without the further written consent of the City of Keilor;
- (c) the Permit holder shall for all major meetings inform local residents at least two weeks prior to such meetings of the times and days on which practice, qualifying heats and the final event shall occur. Notification shall be by way of a public notice in a local newspaper;

- (d) sound levels emitted from any event at the Raceway other than from jet cars, nitro burning drag cars or formula 1 cars, when measured between 9 am to 6 pm and 6 pm to 11 pm shall be,

	9am-6pm	6pm-11pm
in a no-wind situation at the boundary of any residentially zoned land.	65dBA-LEQ	60dBA-LEQ

in a situation where the wind is blowing from the direction of the Raceway towards residentially zoned land at the boundary of such residentially zoned land	75dBA-LEQ	70dBA-LEQ
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- (e) no more than 20,000 spectators shall be present in the Raceway at any one time. If at any time in the future, public transport from the Melbourne Central Business District to the Raceway becomes available or additional car-park areas are provided, spectator numbers may be increased subject to the written consent of the City of Keilor;
- (f) the Permit holder shall not without the prior written consent of the City of Keilor, make a charge for the parking of any motor vehicle on the site;
- (g) for any major meeting, the Permit holder shall at its own expense and to the satisfaction of the City of Keilor provide adequate traffic control within and on the periphery of the site and as a result of consultation with the Victoria Police and other transport authorities;
- (h) lighting of all areas within the site shall be located and designed with suitable shields and baffles so that no glare is emitted outside the site, to the satisfaction of the City of Keilor;

- (i) the Permit holder shall install and maintain a low-level, automatically controlled system designed to minimise the loudspeaker-spectator distance and the propagation of sound outside the site, to the satisfaction of the City of Keilor and the Environment Protection Authority;
- (j) concerts shall not be conducted in the subject land without the further written consent of the City of Keilor;
- (k) the use hereby permitted and activity or activities ancillary thereto shall not cause injury to or prejudicially affect the amenity of the locality by reason of emission of smoke, dust, light from artificial lighting, odour, fumes, offensive effluvia or waste products; and
- (l) the owner shall if and when required by the occupier for the time being of the houses set out here-under, carry out noise attenuation works upon the houses to the satisfaction of the City of Keilor provided that such obligation shall not exceed costs to the value of \$5,000 of each such house.

Houses currently owned by:

J. and M. Walsh, Calder Highway, Sydenham,
L. and H. Parks, Calder Highway, Sydenham,
N. J. Whittle (Wandella), Calder Highway, Sydenham.

The Council of the City of Keilor at its meeting on 10 November 1992 resolved as follows:

"that approval be granted for a one-off pop concert to be held at the Calder Park Race Track on Monday, 1 February, 1993 in accordance with approval conditions for a pop concert granted by Council on 17 March, 1992, (Notice of Motion, Item 11(a))."

The approval conditions referred to are listed below in the Resolution of Council from the meeting of 17 March 1992 which stated:

"(1) That Council resolve to allow a pop concert on 17 April, 1992, on a strict 'one-off trial' basis and subject to;

- (i) prior explanation of proposal being given to Sydenham and local residents and Mr. Bob Jane by Councillors/officers (e.g. it is a trial only so that Council and residents will be in a better position to respond to any future application for a number of concerts each year);
 - (ii) proper monitoring noise, traffic and other possible detrimental effects by the Environment Protection Authority, Roads Corporation, Council and others;
 - (iii) guarantee the results of the monitoring will be made available to the public;
 - (iv) proper facilities (e.g. toilets, crowd and traffic control, being provided and prior approval of other authorities, (e.g., Police, the Roads Corporation)) being obtained;
 - (v) helicopter use kept to a minimum (e.g. no joy rides);
 - (vi) arrangement of programme to spread likely departure/arrival times of patrons; and
 - (vii) reimbursement of all costs incurred by the Council.
- (2) That Council convene regular meetings with the proprietors, other authorities and local residents to discuss the situation, formulate whether any further trials should be allowed and to work towards alleviating any problems, not only from the pop concert, but from the full range of uses at the Calder Raceway."

The concert previously planned and approved by the Council for 17 April 1992 did not go ahead, however, prior to the Council's decision to approve that concert, the Executive Director of Calder Park Raceway Pty Ltd, wrote to Council on 19 February 1992 as follows:

"My Dear Mayor,

On behalf of Calder Park Raceway Pty Ltd I formally seek assistance from Council in resolving what has developed into a conflict between officers of the Council and this Company, relative to an issue relating to Planning Permit K02233.

On a number of occasions in the past, Calder Park has been approached by promoters, interested in renting the venue for the purpose of conducting a 'rock concert'. On each occasion, efforts have been made by Calder Park to have Council invoke Clause 40 of the Planning Permit and in accordance with the intent of the Clause, issue a written approval for the concert.

On every occasion, Council officers have voided our plan by demanding that a full Planning Permit procedure be complied with, rather than by operating in accordance with the intent of Planning Permit K02233 which in our submission, provides the capacity for Council once satisfied of the bona fides of the concert and the planning for it, to simply approve the concert by way by letter.

Calder Park has the opportunity to conduct a major 'rock concert' within the Thunderdome on 17 April 1992 with the promoters providing a quality programme headed by Mr. John Farnham and Mr. Jimmy Barnes, supported by Diesel, Noiseworks and one local group, yet to be named.

It is proposed that the entertainment will commence at approximately 2 pm in the afternoon and run through until approximately 9.30 pm in the evening. There will be no doubt that the event will be well attended.

A modern sound stage will be constructed within the Thunderdome which will be equipped with the latest sound equipment benefiting the standard of the acts to be presented. This equipment will feature directional amplifiers and noise spillage control measures.

Significant security forces in line with the expected number of attendees (to be determined by pre-sale interest) will be provided, using recognised and registered security services and the involvement of the Police Major Event Group will be sought.

As you are aware Calder Park features extensive parking facilities and with the recently completed intersection treatments at Calder Park Drive and Victoria Drive, very large volumes of traffic can be handled and cleared onto the Highway in not much more than (1) hour. Of course it is accepted that Council's Officers will require Victoria Road to be closed, a request which we will have to comply, no doubt, notwithstanding our philosophical feelings of objection to this concept.

Madam Mayor, may I make a formal application through you to the Council, for Council to operate in accordance with the provisions of Clause 40 of Planning Permit K02233 and in line with the intent of that Planning Permit as is supported in the attached correspondence from our Solicitors Kahn and Clahr, who represented this Company at the time of the development of the Permit.

The reason we seek to operate in this manner rather than by going down the path suggested by Council officers is simply one of cost. If we make a Planning application to Council in the normal course of events, there can be doubt that the exercise will end up in the Administrative Appeals Tribunal, be extremely expensive and take many months to complete.

Any appearance before the Administrative Appeals Tribunal infers that a range of Consultants will be needed to prepare the case and legal advice will need to be sought by both sides. In anybody's language this will develop into a very expensive exercise as well as being time consuming and in these tough economic times, where acceptable alternatives to the expenditure of such money exists, commercial realities of life dictates such should be utilised.

We await the consideration of your Council."

On 9 November 1992, a formal application addressed to the Mayor and Councillors for the "**Guns N' Roses**" concert was made. It arrived at Council on 9 November 1992, and was presented to Council at its meeting on 10 November 1992 as a matter of urgent business.

The significance of the letter and the short time available to Council to make a decision in terms of the problems which arose from the concert are discussed later in the Report.

The extremely short notice and the implied suggestion of the earlier letter of 19 February 1992 from Calder Park Raceway, for a streamlined procedure for approval, no doubt contributed to an inadequate appreciation of what was involved in staging this concert.

Calder Park Raceway Pty Ltd

On 8 February 1993, I spoke with Mr. Jane, Chief Executive, and he provided the following information.

Transport

There was some doubt in Mr. Jane's mind as to whether it was the responsibility of organisers of such events to ensure transport services are provided or whether it is the individual operators of such services who should respond to a business opportunity and/or discharge their responsibility to the public. He did, however, agree it was necessary for organisers to ensure transport services were provided if a fully successful event is to be staged.

Planning and negotiations to ensure the provision of transport commenced during September/October 1992. Considerable difficulty was encountered because Melbourne's public transport system closes down every night at midnight.

In negotiations with the PTC which commenced about December 1992, it became obvious very early in discussions that the PTC was reluctant to become involved in the provision of extra services. It appeared to be scared its employees would go on strike at the critical time. It could not guarantee services because of what was considered to be a very volatile industrial climate existing at the time because of rationalisation processes being pursued by the new government.

The Corporation indicated it would cost approximately \$120,000 per hour for each hour the Metropolitan system was required to be kept open after midnight and further, a charge of \$12 per person for a train/bus shuttle from St. Albans Station would be required.

During the discussions, the PTC did not consider seriously the Promoter's offer to construct a platform adjacent to the complex, at a cost of \$100,000. As the organisers had not heard from the PTC and with lead time running out, it was decided to approach the Minister for Public Transport and ultimately the Premier direct to encourage involvement by the PTC. The approaches confirmed that the PTC was not going to service the concert. During the final negotiations, a contingency plan to use private transport commenced with Sunbury Bus Services.

The plan provided for the majority of patrons to use private motor vehicles and up to 10,000 patrons to use buses on the forward journey and approximately 1,000 extra patrons to use the service on the return journey. The reality was that 7,000 additional patrons used the service on the return journey which caused some delays in finally clearing the venue after the concert.

To assist with traffic flow and bus access, Calder Park Raceway, at its own cost of about \$70,000, graded a new road of about 1.1km in length from Calder Park Drive to connect with Albert Road and Keilor/Melton Road. The access allowed buses to bypass the Calder Freeway in the vicinity of the complex.

Sunbury Bus Services charged a flat fare of \$8 per adult or child, single or return journey.

A total of 58 buses were used, however, 6 of the 58 buses were confiscated by the police to carry patrons to a nearby McDonald's store at Taylors Lakes where parents who had attempted to arrive late at the pick-up point, were directed to go after the Calder Freeway had been closed. The buses were used to transport patrons found walking along the Freeway towards the City.

Approximately 30,000 car spaces were provided at the Park with only about one third of the car spaces being used.

If another concert is held, drawing on the present experience, Calder Park Raceway he will ensure that sufficient buses are available to cope with the peak demand at the completion of the concert.

Crowd attendance

31/01/93

overnight maximum 20 people camped out.

01/02/93 by 6 am - 10,000 to 16,000 patrons had arrived.

01/02/93 by 8 am - up to 25,00 people had arrived.

Catering

Calder Park Raceway has a general contract with AVS Catering Pty Ltd to service all events at the complex.

Mr. Jane stressed there was a need to appreciate the venue was divided into two areas for the concert. For example, "inside" which related to the concert area beyond the security checkpoint and "outside" which was the area whilst inside the Calder Park Raceway was outside both the concert area and the security checkpoint.

Outside

All patrons, whether arriving by car or bus, entered the area up to the gates where the security staff were present. Queues for up to four to five hours extended in the area. Patrons were frisked and specifically banned items, food, bottled and cartoned drinks and any items which could be used as a weapon or missile were confiscated.

Advice was sent along the line for people waiting at the security check to consume any drinks and eat food prior to entering the security area. Some confiscated drinks were passed along the line for other patrons to drink prior to reaching the security point.

Because of the heat, AVS Catering obtained "a couple of trucks" and loaded them with bottled Coca Cola in 1.25 litre bottles which were sold for \$5. Mr. Jane indicated some annoyance at the charge of \$5 and outlined that negotiations had taken place prior to the event when it was agreed that bottled drinks were to be sold for \$4 which would offset the additional costs of labour and on-costs incurred as a result of the event being staged on a public holiday. Council arranged for clean water to be made available from a tanker. Police on an embankment were also filling cups from a stand-pipe and considerable free cups of water, far in excess of 20,000 cups, were dispensed by the Promoters.

All drinks, (Coca Cola, Fanta and Mt. Franklin Mineral Water) were dispensed in 500ml paper cups and were sold for \$2 per cup. Organisers were aware that a "Mr. Whippy" van was positioned in Calder Park Drive and was selling cans of Coke for up to \$5 each.

The only unrealistic delays to patrons were outside the concert area. Inside the concert area, queues did not form until after acts and at certain times. When the "**Guns N' Roses**" band was playing there was not one person in a toilet or at the food or drink vending outlets. It had been determined that if another concert was held at Calder Park, even during race meetings, there will be at least 100 points for water constructed within the complex. The points will be proper fountain-type outlets, constructed with a concrete wall and base to prevent damage to property from water gushing out.

Toilets

Every requirement of Council's Health Department was met. Eleven temporary toilet blocks in excess of 20 feet long were provided and a further 60 single toilets were on each site. Each single toilet had a capacity of 700 uses prior to being required to be pumped out. Single toilets had a dedicated water supply tank on board and the water was provided from Melbourne Water supplies. The 11 temporary units were connected direct to the Melbourne Water supply.

Difficulties occurred when patrons had unscrewed taps from hand-basins inside the temporary toilet blocks and had also damaged polythene pipes by flexing them backwards and forwards until the pipes fractured, in order to release water.

Calder Park Raceway Pty Ltd, in its planning, ensured that a plumber was onsite to carry out any emergency requirements, as was an electrician, who was engaged to ensure that any electrical problems would immediately be rectified. A sewerage tanker was onsite to pump toilets as and when required.

The toilets provided were in accordance with the Public Building Regulations and there was a correct ratio between male and female facilities. (It is my view there are no such regulations.) Mr. Jane was of the view that at any venue such as Calder Park or the MCG, there would always be a queue at peak times, particularly when there is an interval in entertainment.

BASS ticket sales

All tickets were sold through BASS agencies and were \$50 in either the A Reserve or General Admission areas. The cost included the commission to BASS. Promoters realised approximately \$47-50 for the sale of each ticket. On the day of the concert, BASS Victoria set up ticket sales at the venue and tickets were sold for \$55 with the additional charge of \$5 to pay for holiday penalty rates and costs of establishing BASS outlets at the venue.

Each ticket sold from an outlet was provided with a wallet insert and a brochure outlining the dos and don'ts related to the concert.

Mr. Jane agreed patrons were not warned that food and drink, particularly food, would be confiscated and he freely admitted that the confiscation of food and drink was a mistake and he stated patrons should have been allowed to take food and particularly Prima type carton drink into the concert area.

Security

Mr. Jane advised security instructions were applied literally by security personnel in trying to avoid anything that could be used as a missile or weapon and it would seem that most, if not all, of the Security officers acted without question to confiscate all food and drink and anything such as alcohol and items which could be used as weapons. It was emphasised once again although the confiscation of food and carton type drinks was not intended, the concert "was a very happy concert" and apart from one person being arrested some distance away from the venue, there was no trouble at the concert whatsoever.

Frontier Touring Company Pty Ltd

The Company, together with Coca Cola promoted and sponsored two concerts in Australia featuring the "Guns N' Roses" band; i.e:

- (a) Eastern Creek Raceway, Eastern Creek, on Saturday 30 January 1993; and
- (b) Calder Park Raceway, Sydenham, Monday 1 February 1993. The Calder Park concert was also sponsored by radio station 3MMM.

Mr. Michael Chugg, Director, Mary Bainsbridge, Manager, and Mr. Andrew Tatrai, Security Consultant, provided the following advice.

Plans for both concerts were similar, with the exception that the Company was unable to attract public transport services in Melbourne to service the Calder Park venue and further, the Calder Park concert was subject to extreme weather conditions of heat and storms which caused an unusually high demand for medical services than would have otherwise been the case.

The Victorian concert was organised in conjunction with Calder Park Promotions Pty Ltd owned by the Bob Jane organisation.

The venues, both in New South Wales and Victoria, were in reasonably close proximity to the Central Business District and provided open facilities which are necessary for an active and often excited audience.

A series of planning meetings involving all suppliers of services, including Calder Park Promotions, Victoria Police, City of Keilor, New Breed Security Pty Ltd, AVS Catering Pty Ltd, Transport officials from the PTC, the Roads Corporation and BASS Victoria, commenced during November 1992.

Ticket sales commenced from BASS outlets during November 1992 and each sale contained a ticket wallet insert which provided advice to all patrons, indicating:

"PATRONS PLEASE NOTE!

For the safety, comfort and protection of fellow patrons please be aware that the following articles will not be allowed into the Guns N' Roses show;

NO cameras

NO tape recorders

NO alcohol

NO bottles or glass

NO eskies - Food and beverages for sale at venue

NO chairs

NO animals

NO umbrellas - Bring raincoat if necessary

NO weapons

Thank you for your co-operation".

The Company also produced a concert information brochure outlining details of facilities at the venue, warning of a full security check on entry, again listing prohibited items, advising there would be no pass outs, advising of parent and taxi pick-up and drop-off points, public transport and access for handicapped persons. The brochure also provided a (0055) telephone hot-line for patrons and a map of the venue, listing car parking areas, toilet, first aid and catering points. On the day of the concert, double-page Metropolitan daily newspaper articles and advertisements were run, again providing the information as set out in the brochure.

On 2 December 1992, the Company wrote to the PTC, advising of its plans to stage the concert, indicating that 50,000 tickets had already been sold and it was expected that up to 80,000-100,000 people would attend. It was the Company's view that the concert would be the largest in Australia. After discussion with Police and the Roads Corporation, which indicated the Calder Freeway did not have capacity to handle the expected traffic to service the concert, it was the Company's view that the temporary train station would need to be constructed at the venue and for a train service to be established from the City. It was the Company's offer to fund the construction of the platform.

Representatives of the PTC were not in favour of the proposal and put forward two other options:

- (a) train/bus shuttle, utilising country trains to and from Sydenham Station; and
- (b) train/bus shuttle, utilising electric suburban trains to and from St. Albans Station which was the preferred option.

The PTC indicated it would require up to 90 buses to service the St. Albans Calder Park shuttle service.

It was the Company's perception, following a meeting on 7 December 1992, that the PTC was reluctant to provide its services because of uncertain industrial climate looming with the proposed changes to the system being planned by the new Government. It was also very reluctant to enter arrangements where it could not be guaranteed recovery of its costs.

It was the Company's view it was providing an opportunity for the PTC to utilise resources which were otherwise not being used on a public holiday and for the PTC to get a return from the venture. It was clear the PTC, if it became involved, was not interested in other than a guaranteed result.

There was no response received from the PTC and as a consequence, the Minister for Public Transport was asked to intervene. The Minister's Parliamentary Press Secretary was at first enthusiastic about the proposals, but later appeared to withdraw support. The Minister and the Chief Executive of the PTC advised in a joint communication that the PTC had concerns about vandalism and operational difficulties with the late finishing time of the concert. The finishing time of 11 pm would not allow co-ordination with regular services which would cease at midnight. The Company then contacted the Premier's Office for assistance and obtained a similar result to the advice received from the Minister for Public Transport.

The Company was unable to understand the approach, as the concert in Sydney had been arranged with the full support and co-operation of City Rail as part of its normal services and ticketing arrangements. Twelve additional trains were provided to service the peak loadings at the finish of the concert. The charge for additional trains was \$1,000 per train and it is believed that City Rail carried 40,000 of the 75,000 patrons who attended the concert at Eastern Creek.

Because of the withdrawal of the PTC, Calder Park Raceway made arrangements with Coach Tours of Australia and Sunbury Bus Services to provide bus services direct from the City to Calder Park Raceway. As plans were then formulated to facilitate private vehicles as the main means of transport, it was estimated that up to 5,000 patrons would use the bus shuttle on the forward journey from the City and an additional 1,000, who had been dropped off at the venue during the day by parents, would require the service to return to the City. The reality was, however, that an additional 7,000 patrons, 12,000 in all, used the return service, causing greater delays than expected.

It was agreed that queuing did occur at most catering outlets and at various times during the concert. However, the queues were at times when there was a break in the entertainment and large numbers of people wanted service at the same time. The oppressive weather conditions added to the overload on the catering facilities.

The Company was aware that toilet facilities in one area had become blocked due to damage by patrons who had broken the polythene water pipes to obtain drinking water. The facilities were repaired by an onsite plumber and the toilets were serviced. As a result, additional toilets were also provided. The Company had no knowledge of any partitioned-off area used as a makeshift toilet for female patrons which has been alleged.

The Company was unable to advise the total number of toilets and the ratio between male and female.

The security for the venue was contracted to New Breed Security Pty Ltd and it was agreed that 350 officers would service the venue to provide crowd control, queue control, entry check, ticket collection, perimeter guards and security of segregated sections according to ticket purchase. The Security officers were also required to dispense free water to patrons and assist with first aid evacuation.

The security company was given, as a matter of course, written instructions which included procedures for customer search and questioning to ensure that prohibited items were not brought into the concert. In respect of this, instructions from Frontier Touring Company Pty Ltd to New Breed Security provided:

"other items that are prohibited are glass, alcohol, eskies, chairs, and any item that could be used as a missile e.g, plastic bottles full of liquid etc, however, this does not include Tetra Paks, sandwiches or fruit.

Please make enquiries to the gate supervisor if in doubt and ensure that common sense prevails."

Frontier Touring has no knowledge that an attempt was made during the day by New Breed Security, to clarify its action to disallow such items, and has suggested because of regular contact and communication during the day, no such request was made.

The Company received a number of complaints from parents and patrons and had written individual apologies to the complainants. In recognising the action to confiscate food and drink as not being authorised and as a gesture of goodwill, it donated the amount of \$1,000 to Care Australia for the Somalian Appeal.

Other patrons who complained of loss of items were sent souvenirs of the concert.

The Company is of the view, given the oppressive weather conditions, that drinking fountains should have been provided at the venue and further, unless public transport can be attracted to participate, it is unlikely that Calder Park Raceway will be used for any future concerts promoted by the Company.

BASS Victoria

BASS was contacted and advised that their outlets/agents sold all tickets for the concert.

Tickets were all at the one price, i.e \$50 per person, and went on sale in November 1992. Tickets sold on the day of the concert at Calder Park were charged out at \$55 each, with extra commission to cover additional costs of setting up ticket booths, penalty rates payable to staff who worked on public holidays and other outgoings.

The ticket cost was entry fee only and did not include an option to sell a combined "transport/entry" ticket.

The venue was divided into two areas, e.g Special A Reserve and General Admission. The Special A Reserve was a segregated area with a capacity of 25,000 closest to the stage and tickets for that area were on a first come first served basis.

Single or groups of tickets were sold and presented in a ticket wallet which contained an insert detailing items which were banned from the concert venue. In addition, brochures were produced with similar and additional information relating to facilities, transport, parent pick-up points and a map of the venue indicating parking, access, toilets, catering and details of a telephone hot-line number for further information. It was arranged during planning for full-page print media advertisements to appear in daily metropolitan newspapers on the day of the concert to further advise patrons of conditions and general information.

To assist with transport needs, an analysis of information held by BASS could have been used by providers to determine general location and likely loading requirements.

As tickets went on sale prior to transport requirements being determined, there was no opportunity to consider a composite ticket being sold.

The design of the ticket, which was computer driven, was not unique, and the information contained at the bottom of the ticket, which in retrospect, could have indicated to regular purchasers of BASS tickets, that there would be seating at the venue, remained on the ticket for auditing purposes only.

City of Keilor

Council Administrators were interviewed and provided the following advice.

Calder Park Raceway is within the City of Keilor and consequently the City, as the local government authority, is the responsible authority for the purposes of approving the staging of the concert, ensuring the provisions of the Planning Permit are adhered to, and ensuring that environmental health, safety and other standards are maintained.

Following the Resolution of Council at its meeting on 10 November 1992 to approve the concert, officers from Engineering, Health, Traffic, Planning and Services Development, began negotiations with the Calder Park Raceway and Promoters and with other service providers, to ensure compliance with the Planning Permit and conditions of approval.

The responsibility of Council officers related to provision of; adequate toilets, traffic control, monitoring and maintenance of environmental health and safety, monitoring of the sale of food and drink, monitoring of propagated noise, the rights of local residents and the monitoring of community standards generally.

I have been unable to establish a strategy, particularly for the provision of toilets, and at the time of interview, officers from the Council were unaware of the number of toilets provided at the venue and the ratio of toilets between the sexes.

On 23 December 1992, Council wrote to "Bob Jane, PO Box 46, Keilor, 3046" following a meeting on 7 December 1992 and confirmed items discussed; inter alia:

- "1 arrangements have been made with the Public Transport Corporation for trains to arrive at five minute intervals at St. Albans Station on the day of the concert,
- 2 90 buses have been arranged to convey passengers to Calder Raceway via Victoria Road or Calder Park Drive. Provision for bus parking will be the area north of the main office,
- 3 only emergency vehicles and buses will be permitted through the above route."

Thirteen persons attended the meeting, including six officers from the City of Keilor. Whilst a record of the meeting provided by Frontier Touring indicated discussions with a representative of the Public Transport Corporation, a list of attendees in the record, does not record representatives from the PTC as being present.

In an undated file note from a representative of the Traffic Engineers Department of the City of Keilor who did attend the meeting, the record provides; inter alia:

"Gun's N' Roses concert - Thunderdome 1/2/93

General comments

- (1) Council does not support the use of Victoria Road by buses due to
 - number of bus movements (estimate 1,080, i.e 90 buses at three trips each at two (in and out) at two (afternoon and evening))."

The Reports generated by officers who attended the same meeting on 7 December 1992 are contradictory and the letter of 23 December 1992 contains inaccurate information as to what was agreed in so far as the provision of public transport.

At the planning meeting held the week prior to the concert, and despite a request to the organisers by Council officers for the required information regarding toilets, only a plan was provided to Council, showing the location of toilets and did not indicate the numbers and the ratio between sexes. The information did not include servicing, cleaning or strategy for calculating the number of toilets required.

When similarly requested, organisers advised that drinking water would be available and would be handed out by security officers on the day.

Council officers have agreed they did not insist on obtaining the vital information to ensure compliance with Council's conditions of approval.

There does not appear to have been any action by Council officers to specifically review the conditions of the Planning Permit or Council's approval to ensure that compliance would occur.

I am advised that on the day of the concert, a number of senior Council officers attended at the concert in an official capacity, however, with the exception of an undated Report from the Manager, Environmental Services, a copy of which was received by me on 23 March 1993 and which did not appear to be available prior to then, there did not appear to be any other documents in existence from Council and administrators, to determine the desirability or otherwise of staging a further concert, when it was Council's decision and specific intent, that the concert be approved as a "one-off" and on a trial basis.

Later in my enquiries, Council officers provided a draft copy of a Report from the General Purposes Advisory Committee to Council of an overview of their observations, and generally reported a successful concert. The Draft Report contains information which is not consistent with information obtained during my investigation.

Council officers interviewed have agreed that they tended to accept advice from organisers, particularly from Calder Park Raceway, that all appropriate and relevant standards would be adhered to and that more than sufficient amenities would be provided.

The officers further advised that they were not required to provide Council with advice on which to consider the application to hold the concert received from Calder Park Raceway. The decision by Council to approve the concert, apparently without receiving advice from its administrators, seems to me to be unreasonable. However, as it is not within my jurisdiction to consider the decision, I propose not to make any further comment in that regard.

In addition to complaints received from patrons of the concert, a complaint has been received from Mrs. J. Whittle, "Wandella", Calder Highway, Sydenham, who operates a horse stud adjoining the northern end of the Calder Park Raceway.

Mrs. Whittle listed concerns that Calder Park Raceway had not complied with the 1984 determination of the Planning Appeals Board to carry out noise attenuation works around the circuit, and specifically on her house, up to the value of \$5,000.

In addition, Mrs. Whittle outlined that up to 150 patrons or persons who were just listening to the music wandered all over her property during the concert and in fact she had been approached by persons wanting to sleep in the outbuildings on her property. In one instance, police removing people from the nearby railway line directed the people into her property.

In addition to the surveillance by the Police helicopter, there were non-stop fly overs and hovering over the complex, and consequently, over her property, by more than one news helicopter for most of the time up to and during the concert.

Her property was at times lit up by lighting from the concert. The public address system and music were deafening inside her home, with regular announcements and singing containing highly offensive language that would normally attract charges being laid by the Police.

Mrs. Whittle described her property as being immediately adjacent to the concert area and her home being only some 300 metres north from the stage.

In accordance with the conditions of approval of the concert, sound pressure monitoring was undertaken by Consultants Acoustisearch. The results of the tests undertaken at the locations were as follows:

Location 1 - sound mixing tower 56 metres directly in front of the stage;
 Location 2 - Lot 44 Victoria Road approximately 1.5km from the venue.

	location 1 (not exceeding)	location 2 (not exceeding)
3.30pm-4.30pm	103 dB LEQ A SPL	56 dB LEQ A SPL
4.50pm-5.50pm	107 dB LEQ A SPL	64 dB LEQ A SPL
7.00pm-8.15pm	104 dB LEQ A SPL	59 dB LEQ A SPL
9.00pm-11.00pm	108 dB LEQ A SPL	62 dB LEQ A SPL

A one-hour long reading made prior to the concert at location two did not exceed 42 dB LEQ A SPL.

Crowd noise between acts at location two at times reached 60 dB LEQ A SPL.

Tests were not undertaken near Mrs. Whittle's property and the Consultants' advice does not provide an indication whether there was influence from wind on the propagation of noise.

The results indicate the maximum permissible noise levels as provided in the Planning Permit were not breached, however the standards would have been continually exceeded at or near Mrs. Whittle's home.

Public Transport Corporation

Mr. G. Smithwick, Director of Marketing, Mr. R. Razga, Group Manager, Train/Coach Development and Mr. I. Yarde, Manager, Metropolitan Train Service Development, were interviewed on 4 March 1993 and Mr. M. Yates, Manager, Contract Bus Services, provided further information by telephone on 5 March 1993. The following information was provided.

Negotiations with Promoter/Organiser

Representatives from the Corporation attended a planning meeting on 7 December 1992 when organisers were clearly advised, for the PTC to be involved, it must fully recover its costs. It would not operate services at a loss. Three options were considered:

- (a) locomotive hauled trains from City to Sydenham and a bus shuttle from Sydenham Station to Calder Park;
- (b) suburban trains to St. Albans Station and a bus shuttle from St. Albans Station to Calder Park.

A third option being considered as promoted by Frontier Touring Company Pty Ltd and Calder Park Raceway was to build a temporary platform adjacent to the complex on the main Bendigo to Melbourne rail link. Calder Park Raceway offered to pay for the construction of a platform, however, there was a dispute over the cost, how long the platform was required to be and the standard of the construction of the platform.

Information provided to the PTC indicated that 90,000 to 100,000 patrons would attend the concert and it was estimated that 30,000 patrons would use public transport facilities.

The PTC advanced the proposition that similar to other services being provided to produce the concert, i.e, catering, police, Calder Park, and the entertainers, the Corporation similarly wished to be paid in advance for its services. It was not prepared to return a loss on the venture which it regarded as outside normal day-to-day operations.

The Corporation also indicated at the meeting the finishing time of the concert should be brought forward by up to 30 minutes, to allow sufficient time for patrons to be transported back to Flinders Street prior to the last scheduled Metropolitan trains departing. The option was unacceptable to the organisers, who insisted that the special effects, particularly the pyrotechnics planned for the main event, required darkness.

On 8 December 1992, the Acting Chief Executive of the PTC wrote to relevant Heads of the PTC, expressing the view, unless the Organiser was prepared to fund the Corporation for services provided, then the service should be provided by the private bus industry.

The PTC did not provide a formal or informal quotation to the organisers for any of the options, including its preferred option of a suburban train service to St. Albans and a bus shuttle which had been costed at \$5 to \$6 per head to return an estimated \$180,000 on the projections provided.

As a consequence of the PTC effectively withdrawing from discussions, the organisers then approached the Minister for Public Transport and Advisers to the Premier for assistance.

In a joint response, the Minister for Public Transport and the Chief Executive of the PTC confirmed that the PTC was not in a position to provide services and suggested direct private bus services as a more viable option.

The PTC did not, at any time, consider utilising its fleet of some 360 buses to service the venue.

Whilst the PTC did consider proposals for bus shuttle services using privately owned coaches, there was no indication that the publicly owned bus fleet was considered, either to provide a shuttle or direct services.

After the concert, most trains scheduled to depart Flinders Street Station around midnight, were held up to 15 minutes, awaiting the arrival of buses. Six of the nine trains were patronised to standing room only, one train was crush loaded and two were moderately loaded.

Three additional trains were immediately scheduled, two of which were not required; i.e:

12.16 am	Dandenong	50 passengers
12.18 am	Ringwood	crush loaded
12.23 am	Frankston	50 passengers

At 1 am, the Co-ordinator at Flinders Street Station inspected the Station environs and reported all platforms were clear of any intending passengers. Consequently, the Station was secured and staff ceased duty.

After 1 am, advice was received from the Victoria Police which indicated there were still some 10,000 people at Calder Park. Buses again began arriving and continued to do so up until about 3.30 am when approximately 2,000 people had arrived at Flinders Street Station. Because of the difficulty of bringing staff back on duty, the decision

was made that patrons would be required to wait the 90 minutes or so before the resumption of normal services at 5 am.

Department of Transport

The Honourable Geoff Craige, MLC, Parliamentary Secretary to the Minister for Public Transport, was interviewed on 9 March 1993, and provided the following information:

- (1) the Minister Mr. Brown was aware of the internal memorandum of 8 December 1992 from Mr. N. Walker, Acting Chief Executive of the PTC to his Managers, and was unhappy with the approach which undoubtedly influenced the actions of the Managers not to actively pursue options for PTC involvement;
- (2) the PTC advised the Minister on 22 December 1992 because of logistical problems related to the concert finishing late, it would not be able to reposition, clean and service rolling stock to be ready to run the normal services commencing at 5 am, Tuesday morning, 2 February 1993;
- (3) the PTC had concerns that it would not be in a position to transfer patrons to Flinders Street before the last regular trains departed for the suburbs at or around midnight;
- (4) attempts to have the concert schedule adjusted to provide a 10.30 pm finishing time were not acceptable to the Promoters, who required darkness to realise the full effects of stage lighting and including a pyrotechnics display;
- (5) it was particularly concerned at the potential for significant vandalism occurring to rolling stock and other property, the cost of which could well exceed any return from being involved in the venture;
- (6) it was understood the PTC was prepared to operate services on a fee for service basis of \$200,000;

- (7) in future, the Minister for Public Transport will be writing to all promoters, suggesting that transport needs should be formulated at the commencement of planning of such concerts and not at a later time, when options for both collection of fares and service delivery are very limited;
- (8) the Minister is unaware whether consideration was given by the PTC to using its bus fleet or to the suggestion that the PTC operate as an agent to the Promoters in providing services.

New Breed Security Pty Ltd

Delivery of security requirements was provided by four organisations:

Law Enforcement and Traffic Control - Victoria Police
Crowd control - New Breed Security Pty Ltd
Car park security - Calder Park Raceway Pty Ltd
Stage and entertainers - Australian Concert and Exhibition Security and "Guns N' Roses" band security.

As the complaints received related to crowd control, I have limited my investigation to New Breed Security Pty Ltd, with input from the Victoria Police.

Mr. T. Prendergast, Director of New Breed Security Pty Ltd, was interviewed on 24 February 1993, and provided the following information.

His Company was contracted to Frontier Touring Company Pty Ltd to provide crowd control, which included security at the entry point to the Raceway, around the concert venue and to ensure that prohibited items were not taken into the venue.

A total of 350 staff were engaged in the operation, the majority of whom were casually employed for the event. All officers were trained and licensed as private agents and had security clearance from the Victoria Police.

New Breed Security attended a number of planning meetings and received both verbal and written instructions from the Promoters. The objectives of screening all patrons was to limit the possibility of missiles being available which could be thrown at the stage or cause disturbance in the crowd. Requirements for each concert are developed taking

into account the facilities at the venue and the type of event. However, Mr. Prendergast advised that experience dictates, particularly where there is potential for disturbance, if there is no alcohol allowed into the venue, crowd control problems are greatly minimised. It has been the Company's experience at many other such events that patrons will go to extraordinary lengths to smuggle in, contraband particularly alcohol. Such action included fruit being injected with vodka, ice-cubes which were actually frozen vodka, bottles of Coke which were either injected with alcohol or had balloons of alcohol immersed in the dark liquid and the caps and seals replaced and in one instance a hollowed out loaf of bread concealed a bottle of liquor.

Consequently, the Company with the knowledge that any incident involving throwing of missiles onto the stage would result in particularly the "**Guns N' Roses**" band either walking offstage or not appearing, which in turn was likely to cause a riot, set out to vigorously enforce its instructions to prevent banned items, including food and drink, from entering the concert venue. Patrons waiting to enter the concert were subsequently advised that food and drink would not be allowed. Options available to patrons were to consume the items, pass particularly the beverages back along the queues for others waiting in the heat, allow the items to be confiscated, in which case the drinks were passed on to others waiting, cloak the items to be collected after the concert, or not enter the concert.

During the course of the afternoon, Mr. Prendergast advised that he personally attempted to clarify the instruction not to allow food and drink and was initially instructed by "Production" the rule was to stand. However, he was later in the afternoon advised that food and drink in "Tetra Paks" could be allowed. Mr. Prendergast is unable to identify the person from the production team who provided the advice. In protesting he was unable to account for every action of the 350 officers onsite, Mr. Prendergast denied his officers confiscated sunscreen from patrons which he regarded as essential, however he conceded the containers could have been used as missiles. He similarly denied that officers were involved in the puncturing of plastic containers being used by patrons to collect water.

A number of his officers were in fact utilised to hand out over 20,000 cups of mineral water provided free by the Promoters.

It was the Company's view the concert was well organised and, given the potential for untoward behaviour from individuals and/or groups who are attracted to a heavy metal band advocating anti-authoritarianism, the result in which there were no arrests at the venue, indicated that security measures adopted were correct. The Victoria Police were satisfied with the planning and results of the day.

Mr. Prendergast produced a number of letters received from parents and patrons, offering congratulations for his Company's actions in crowd control.

An undertaking by Mr. Prendergast to produce the written instructions from the Promoters indicating that food and drink were not allowed into the venue has not been forthcoming.

Sunbury Bus Services

The joint Proprietors of Sunbury Bus Services agreed to be interviewed on 16 February 1993, and advised as follows.

Sunbury Bus Services was engaged by their wholly owned subsidiary travel agency, Coach Tours of Australia, to provide a shuttle bus service from Flinders Street City to Calder Park.

Coach Tours of Australia entered into a charter agreement with Calder Park Raceway Pty Ltd. The plans provided for an estimate of 5,000 patrons to be carried on the forward journey, with an additional 1,000 to 2,000 who would require to travel on the return journey after the concert. The agreement did not provide for the number of buses to be utilised which was to be determined by the Company.

A flat fare of \$8 per person was charged for a single or return journey.

Services commenced at 9 am utilising 20 buses in convoys of five which was increased to 30 buses at 11 am to cope with a further demand. A total of 30 buses operated for the remainder of the forward journey. A further 28 buses were added to the number to cope with the peak demand for the return journey which commenced immediately after the concert. After the concert, the buses were again arranged to operate in convoys of five buses, taking up to one and a half hours for the return journey to the City. The majority of buses were required to complete three trips.

The Directors advised that on the return of the first six buses to Calder Park the buses were redirected by police to carry patrons who had commenced to walk along the Calder Freeway, after it was realised parents had not reached the pick-up point prior to the freeway being closed to through traffic. The parents were unable to reach the pick-up point and were directed to a nearby McDonald's restaurant in Keilor/Melton Road. The redirection of the buses at the time was without the knowledge of the Company and reduced the number of buses to 52 and caused a void in the co-ordination of the services.

The number of patrons who returned by bus was estimated at 12,000 which was 7,000 in addition to those who made the forward journey.

The Company indicated it had intended there would be a ticket check on the return journey and tickets would be sold to those additional passengers making only the single journey back to the City. Initially some additional fares were collected, however, because of the stampede of patrons to board buses, the collection of fares was abandoned and those without tickets were carried free of charge.

The Company reported well behaved passengers on both journeys and there were no incidents of vandalism that the Company was aware of.

Although Directors were involved in the later planning meetings, they both indicated no knowledge of an earlier proposal of the need to use a total of 90 buses for the shuttle services. The buses used to provide the services were from Sunbury Bus Services, Bacchus Marsh Bus Lines and Crown Coaches.

Both Directors are of the view that additional buses would be a necessary requirement for any future and similar event.

AVS Catering Pty Ltd.

The Executive Director and Venue Catering Manager and other Managers of the Company made themselves available for interview on 15 February 1993. The Executive Director advised his Company has a term contract with Calder Park Raceway Pty Ltd which provides exclusive catering rights in respect of all events held at the venue. The agreement allows AVS Catering to engage services from subcontractors as and when required.

The Company has experience in providing catering at events such as the MCG, Waverley Park, Moomba, Flinders Park, all of which have large numbers of patrons attending.

Although a number of meetings were held which involved representatives from Frontier Touring Company, the final agreement for provision of catering facilities was reached with representatives of Calder Park Raceway Pty Ltd.

A total of 63 vending outlets were established at eight locations around the venue. The outlets consisted of 32 operated by the Company and 31 operated by subcontractors. In addition, the concert areas were serviced by roving ice-cream vendors. At major events, the Company generally provides for one outlet per 1,000 patrons, and with the roving vendors, it was of the view the accepted standard was achieved.

All drink and ice-cream outlets were operated by the Company with food stuffs being subcontracted. The agreement with subcontractors provided a schedule indicating the product being offered for sale, the agreed price to be charged and the numbers of employees to be engaged in the selling of the products. The subcontractors paid a contract fee to AVS Catering Pty Ltd and all proceeds of sales were retained by the subcontractors.

The Company, whilst having a number of Managers at the venue, did not carry out a specific audit of the prices being charged by the vendors. From its own enquiries, the Company has identified a subcontractor who was engaged casually for the first time and who was thought to have charged more than the agreed prices. The subcontractor will not be engaged in any future events serviced by AVS Catering Pty Ltd.

During the planning meetings, the Company indicated it had strongly advised the organisers it was desirable to open the venue to patrons as early as possible, to enable the orderly sale of food and drink. Because the Promoters had not finished the fit-out to the stage and equipment, the gates were not opened until approximately one hour after the scheduled time. The delay caused a "scramble" to occur, particularly at drink outlets, of patrons who had been waiting an excessively long period of time in very warm conditions.

In defending prices charged, the Company outlined the number of circumstances which added significantly to on-costs. For example, there were additional costs in off-site warehousing, transportation, set-up and dismantle of equipment, damages, security, additional insurance, spillage, garbage and sullage disposal, lead time for set-up, short trading time, public holiday penalty rates and limited trading days per year, etc.

The Company was unaware of any Health audits in respect of outlets operated by either the Company or subcontractors.

Department of Planning and Development
(Division of Building Control)

The Department was responsible for approving the design of the temporary stage and administration of the Health Act, and standards provided in the Building Code of Australia, particularly in respect of toilet facilities provided at the venue.

Temporary stage

On 29 January 1993 (the last business day before the concert), the Department received an application for approval of the design of the stage from consulting structural and civil engineers retained by the promoters. Approval of the proposed design was given on the same day.

The application indicated the engineers had designed and checked the design to ensure compliance with relevant Australian Codes and Standards.

The approval required the consultants to monitor wind speeds on the canvas roof and to ensure the canvas was removed if wind speed exceeded the pre-determined levels as provided in the drawings.

The Department did not carry out an inspection of the structure during the construction or on completion and was of the view the structure would be monitored by the relevant local authority.

Approval for the structure was given by the Department in the belief that the concert was being staged at the "Thunderdome" complex, where 10 metre high spectator mounds completely surround the racetrack and would provide a measure of shelter from wind. It was not realised until after the concert, that the concert venue was the "car

park" where there was no shelter from the wind. It was not until my Officer clarified with the representative of the Department, that there is a second racetrack at Calder Park and the concert was in fact staged at the northern end of the second racetrack described as the "National Racing Circuit" which is partially surrounded by spectator mounds.

The Department has advised that the specifications for the stage provided for maximum wind loading of up to 60kmh prior to the roof canvas on the stage being required to be removed. Design Engineers would be onsite during the concert for the purpose of monitoring the structure and determining whether it was necessary to remove the roof canvas should the wind speeds indicate the possibility of the loadings being exceeded.

Provision of toilets

The Department has advised there are no rules to regulate the numbers and ratio of closets and urinals required to be provided at outdoor concerts, festivals or sporting events.

The Building Code of Australia (Table F2.3 9B) in setting the requirements for Class nine buildings; e.g, "Sporting venues, theatres, cinemas, art galleries or the like/other facilities" and is used as a guide only, as it overstates the requirements when large crowds are involved.

When applied to the estimated crowd of 70,000, the Code would have required the organisers to provide the following facilities:

Female -	466 closets
Male -	71 closets
	350 urinals
Total -	537 closets
	350 urinals

Statutory Rule 236/1985 Health (Public Building) Regulations Clause 99(1) provides the following, "for other public buildings" when applied to a crowd of 70,000 of both sexes:

Female -	165 closets
Male -	105 closets
	700 urinals

There is no provision specifically for outdoor concerts, festivals or sporting events.

The Department conceded that the standards were inappropriate when calculated and applied against a large crowd and could be used as a guide only.

The Department is unaware of how many toilet facilities were provided at the Calder Park venue and did not inspect the site. It was, however, under the impression that the concert was being held at the Thunderdome complex for which a Permit exists, and where onsite and permanent facilities existed to service crowds of up to 40,000 people.

My investigation revealed that some 219 closets divided equally between the sexes were provided at the venue for the concert. The number provided was approximately one closet per 320 patrons, whereas the standard required by Blacktown City Council for the "Guns N' Roses" concert two days earlier at the Eastern Creek Raceway was one closet per 200 patrons.

Victoria Police

The involvement of the Victoria Police commenced on 19 November 1992 and initially involved officers from the Major Incident and Planning Unit and "I" District Broadmeadows. Responsibility for preparing the operating plan and response was delegated to "I" District to provide Operation and Venue commanders and resources.

With exception of the response needed for traffic control, the Promoters were required to enter into a fee for service contract for the provision of police at the venue. The contract provided payment of the amount of \$25,104 and involved the deployment of some 117 officers and members over three days leading up to and including the day of the concert. A further 90 officers and members were deployed on traffic duty.

To ensure adequate preparation by police, the Promoters arranged for the Venue Commander to travel to the Eastern Creek concert held on 30 January 1993.

The Victoria Police Venue Commander, of "I" District was interviewed on 1 March 1993 and provided the following information.

It was his approach that as the concert was likely to gross between 8 and 10 million dollars, an injection of money of that magnitude into the finances of Victoria at a time of recession to generate jobs and confidence just "had to be made to work".

In developing an operation plan, he found initial opposition from the Roads Corporation and the City of Keilor for his plans to close the Calder Freeway to assist with peak traffic flow management.

The Venue Commander was particularly critical of the PTC officials for continuing to be involved in planning discussions for the supply of public transport services, when, in his view, their objective was to eventually withdraw support. He had since become aware of the existence of a PTC internal instruction dated 8 December 1992 which indicated the PTC did not want to be involved because of the potential for damage to vehicles and property. The PTC memo directed its Managers that unless funding was available from the sponsors to pay for the services, then the services should be provided by the private bus industry. He pointed out that had the PTC made its position known earlier, other actions could have been implemented to either ensure the PTC of its viable involvement or to better organise privately operated services.

By comparison, the Venue Commander outlined the successful undertaking by City Rail in New South Wales to service the Eastern Creek concert had resulted in about half of all of the patrons travelling to the venue by train, relieving stress on roads and other services. It was his view that the PTC had lost sight of its objectives and had caused irreparable damage to its image and was becoming irrelevant to community needs.

Police were anxious that particularly trains be used as from an overall community viewpoint, it would have placed less stress on roads, particularly the need to close off the Calder Freeway and the use of additional police resources to control traffic in the community around the venue. The traffic build-up caused considerable inconvenience and restrictions on local residents and could have been avoided to a significant degree.

Police had a number of contingency plans to deal with storms, wind and cancellation of the concert, etc, however it did not specifically have a plan to deal with the extreme heat as occurred.

The security plan for the venue was written by Australian Concert and Exhibitions Security Company, Sydney, which was responsible for providing security at the Eastern Creek concert.

Police are of the view that the decision by New Breed Security to confiscate food, carton drink and sunscreen, etc, was clearly an over-reaction by the Company.

All security officers of the Company were provided with "provisional licences" and were cleared by the Police.

The Promoter was instrumental in controlling the crowd and whilst most adults would not approve of the language used in public announcements and the music, it was accepted by the kids and assisted in their overall control and management.

From records held by police, some 1,726 patrons were treated by St. John First Aid for mainly heat exhaustion, dehydration and hypothermia and a few injuries. Police dealt with only about half a dozen patrons, all of whom were outside the actual concert venue.

The Venue Commander's concerns following the concert are:

- (a) only one entry gate used when there should have been at least three;
- (b) lack of shade for patrons;
- (c) the Command Centre should have been staffed at all times with relevant representatives of each of the emergency services, security and organisers;
- (d) inadequate public transport;
- (e) lack of adequate water supply;
- (f) confiscation of food and drink; and
- (g) high cost of food and drink at the venue.

The Venue Commander is strongly of the view that a survival kit should be developed to include a plastic bag for water, a hat, map, sunscreen and venue instructions which could be sold to patrons, particularly during such oppressive weather conditions.

The Victoria Police Major Incident and Planning Unit

The Victoria Police Major Incident and Planning Unit was not involved in the provision of the operation plan for the venue, however, officers were present and observed the following during the course of the concert.

- "(a) *Buses provided were not sufficient to transport patrons. Over 10,000 patrons were queued outside the Gas and Fuel Office at Flinders Street.*
- (b) *There was a lack of co-ordinated communication between emergency services and organisers within the venue.*
- (c) *Plans for vendors to sell drinks to those standing awaiting entry did not occur until people began to faint. When drinks were sold, the alleged excessive prices charged caused fights and management problems in the queues.*
- (d) *Ramps provided for wheelchairs in the handicapped section were inadequately designed and collapsed.*
- (e) *A section of the stage collapsed, delaying the main act for up to half an hour.*
- (f) *The catering staff made no provision for queuing for food and drinks at their outlets.*
- (g) *Insufficient briefing between police and emergency services and security. Services did not attend planning meetings together, with the result that each did not fully understand each other's role.*
- (h) *Co-ordination between police and emergency services and security was limited on the day and not done well.*

- (i) Only one security representative at the command post and no other services representative.
- (j) Better use could have been made of cameras and co-ordinated support services, security, first aid, etc.
- (k) First aid stations lacked the required and necessary facilities such as hot water, toilets and shade.
- (l) Calder Park Security did not man car parks after 6 pm, causing late arrivals to park in an uncontrolled manner.
- (m) Planned or not - NO Freeway should be used in the same manner again with Melbourne traffic going the wrong way down the freeway against north-bound traffic, causing a bank-up in all lanes back to Calder Park. There should have been control at the car park.
- (n) Pedestrians were allowed to walk back towards Melbourne along all four Freeway shoulders.
- (o) There were no special services provided by the PTC.
- (p) Outward bound buses were 'mobbed' which took security some time to control.
- (q) Buses were still arriving back at 4 am on 2 February 1993.
- (r) Audio-visual staff were not briefed as to their particular duties and facilities, including power for cameras, was not supplied.
- (s) It was necessary for police to close the adjacent train line to remove youths using the elevated tracks to view the concert.
- (t) Police did not understand the roles of the mixed security groups.
- (u) Car parks were not adequately lit for patrons returning after the concert.
- (v) General lack of signage for patrons.

- (w) Vendor prices for food and drink should have been more reasonable.
- (x) All security staff from interstate must be licensed and comply with state laws.
- (y) Security staff and support emergency services to be of sufficient numbers to allow for proper rest period of officers.
- (z) an appropriate risk assessment should be undertaken to make more predictable the outcomes of staging such an event."

A review of the film from the security cameras confirmed numbers of patrons suffering from heat exhaustion, first aid treatment occurring in the open, unruly crowd behaviour, excessive queuing at food outlets and toilets, patrons surging forward for water which was being carelessly dispensed causing excessive spillage. Another particular concern was the use of the Council's water tanker to spray patrons suffering from heat exposure. The action in causing a rapid decrease in body surface temperature without simultaneous core cooling and replacement of body fluids could have resulted in a significant number of additional medical casualties. The appropriate action was to supply a sufficient quantity of drinking fluids and areas of shade.

A further viewing of the Police security tape identified a number of motorists parking along the shoulders of roadways adjacent to the complex and enquiries by the Police revealed that the motorists elected to park outside the complex because attendants at the car parks were charging \$5 per vehicle to park in the complex. The parked vehicles caused reduced traffic flow and added to traffic congestion.

Metropolitan Ambulance Services (MAS)

The Director and Deputy Director Operations and the Area Manager were contacted and all expressed considerable concern at the lack of organisation and facilities for both patrons and provision of medical services.

The Area Manager advised that MAS was not included in the planning discussions and only became involved at a later stage, and on the insistence of the Victoria Police Major Incident and Planning Unit.

It was clear that organisers were convinced that adequate first aid and medical services had been planned for and would be provided by St. John Ambulance Australia (Vic), and other services would be called on if and when required.

MAS initially decided to fund the provision of two ambulances, which were supported by two doctors and a nursing sister from Preston and Northcote Community Hospital. However, after enquiries by MAS with its counterpart in Sydney, which serviced the Eastern Creek concert, it was determined to provide a further two ambulances and staff. The ideal response for a concert venue of this type would be in the order of one ambulance per 10,000 patrons.

The result of the additional staff and medical staff was that the majority of patients were able to be treated on site, which caused less demand on transport and hospital resources.

A total of 14 patients, two of whom were airlifted, were required to be transported to hospital. One patient transferred to the Western Hospital was a teenaged female diabetic who was comatosed. It was learned that on entry to the concert, her portions (small meals) and medication had been confiscated by security staff.

A considerable number of patients suffering extreme dehydration were infused and required to be isolated in an airconditioned atmosphere and gradually rehydrated by IV therapy (intravenous fluid intake).

The conditions for treating patients at the venue were crude and unacceptable, with the majority of patients being treated in the open in extreme temperatures, however, this is not a criticism of the treating staff, who were doing their best in the circumstances.

Advice received from many patients was that they were without money and/or those who had money, after spending their funds on souvenirs whilst waiting at the front gate, then had prepared lunches and food and drink taken from them when they entered the concert.

In an incident of particular concern, MAS staff advised St. John staff returning from meal breaks to take water with them to hand out to patrons, however, the action was met with threats from security personnel, who pointed out as water was being sold inside the venue, if the action continued, the water supply would be cut off.

As a result of providing services at the concert, both MAS and St. John was initially out of pocket. There were no costs recovered by MAS and it is understood St. John Ambulance were required to make a further application to the Promoter for funds to cover items such as aspirin and other medications which were used in quantities greater than expected.

Some MAS staff became so frustrated at the lack of both planning and understanding of the organisers as to their duty of care to patrons and their reluctance to accept advice, there is a general feeling that it will take a person to die before appropriate standards are established for the future.

MAS is strongly of the view that the Victoria Police Major Incident and Planning Unit should have a greater management role in the planning of such events and stressed it was not overstating the circumstances to suggest the potential for a death or deaths to have occurred at the concert, was quite high.

St. John Ambulance Australia (Vic)

Mr. B. Gronow was contacted and advised St. John was invited by Frontier Touring Company Pty Ltd to provide its services on a fee for service basis at the concert.

Following general advice outlining the plans for the concert, St. John quoted \$2,500 as its fee. The quote was rejected by the Promoters, who put forward a counter-offer of \$1,500. Approximately two days before the concert, the Promoters agreed for St. John to be paid the full amount of \$2,500. After the concert and when it was appreciated the extent of the additional effort and costs involved, the Promoters agreed to pay a further \$1,000.

St. John had 130 volunteer staff at the site. Preparation began the day before with a plan to complete the setting up of all facilities on the morning before the gates opened. However, when staff arrived at about 10 am, they were immediately confronted with casualties of dehydrated

patrons, who had been waiting outside the main gate where there was no water or shade available. Staff never really recovered from that point and were working to capacity until after the concert finished. Staff left the venue at 4 am on 2 February 1993.

St. John contacted the State Emergency Services at about 11 am on 1 February 1993 and arranged for shade covers to be erected for patients, however, because of the number of patients being brought to the first aid station, the shade areas were not sufficient. Approximately 1,726 patrons were recorded as being treated, however, many patrons left after initial treatment and no details were obtained.

St. John Ambulance staff were well catered for by the organisers and he is of the view the lack of general facilities for patrons was the joint responsibility of St. John and the organisers. St. John plans, which included consideration for the forecasted high temperatures were inappropriate because of the lack of water available. During planning, the organisers guaranteed that ample water would be available at the venue.

St. John Ambulance became aware during the day that taps located near where vendor outlets had been set up, had had the handles removed to prevent water being obtained. Staff had also reported that venue workers had erected tarpaulins between toilets which had become unserviceable, to screen off the areas for patrons to be able to urinate on the ground.

Mr. Gronow has no knowledge of any threat being made to his staff by security staff concerning the supply of water to patrons and believes, had such a threat been made, he would have been made aware of it without delay.

Mr. Gronow attended at the de-briefing with all emergency services, chaired by the Victoria Police. It was generally agreed that the concert was successful and the difficulties incurred by the services during the day were directly related to lack of water, lack of shade, lack of transport and particularly the action of the security company in confiscating food and drink.

Davis and Associates Consulting Structural and Civil Engineers

Mr. A. Davis, Director of the Company, has advised as follows.

His Company was engaged to design and provide specifications and to obtain the necessary Permits for the construction of temporary stages at both the Eastern Creek and Calder Park concerts.

The Company was particularly concerned that the stage did not comply with the specifications, and there did not appear to be a responsible body to ensure and insist on compliance.

At Eastern Creek, the Building Surveyor for the Blacktown City Council took an active interest in the plans, specifications, the construction and the final structure. The Surveyor demanded a final inspection with the Builder and Designer and ultimately passed the structure. Even with that approach, there were still a number of variations to the specifications, which caused Mr. Davis to travel to Sydney and personally monitor the structure during the concert.

A design problem was detected by Mr. Davis in the scaffolding erected to provide a cat-walk to the stage at the Eastern Creek venue and modifications were subsequently made to the structure. The cat-walk was not part of the design of the stage and was not included in the brief held by his Company.

At Calder Park, the approach of relevant authorities was entirely different.

He is extremely critical of the Department of Planning and Development, which he reported, seemed only to be interested in collecting the fee. It took no other active part whatsoever to ensure compliance with the plans and specifications.

Apart from a preliminary drawing of the stage being forwarded by the Company to the City of Keilor as a matter of courtesy, it similarly did not take any official interest in the structure. There was no Permit/approval required and Engineers did not seek consultation to examine the specifications. There was no inspection of the structure that the Company was aware of and there was no request for final drawings or specifications.

Mr. Davis outlined a number of unauthorised variations to the plans and specifications that were of concern. In particular, designed counter-weights were not used and only after his objections, were alternative counter-weights such

as on site generators, etc, used to tie the structure down. The Company again became concerned at the variations being made to the plans, and again had a representative onsite to monitor the structure during the performance.

As a precaution, discussions were held with police, to provide a contingency plan to evacuate patrons near the stage in the event of structural defects occurring, however, the reality was, had the structure been subject to sudden overloading from wind, it could have toppled prior to any proposed evacuation occurring.

The Company recorded winds up to 30kmh on the structure, which was designed for 60kmh winds prior to the canvas roof being required to be removed to reduce the sail area.

Mr. Davis was aware of the collapse of the cat-walk attached to the stage and believed it had not been similarly modified, as was the catwalk at Eastern Creek after his recommendations for improvement.

It was the Company's view that the responsible local authority should be required to approve plans and specifications and carry out inspections with the designer and hold a joint power with the designer to determine whether the concert should proceed when deficiencies are detected.

Mr. Davis advised the provision of structures for concerts of this nature are usually provided on shoe-string budgets and generally with the approach that things will eventually happen.

"Guns N' Roses" Eastern Creek Raceway - Saturday 30 January 1993

Promoter	Frontier Touring Company Pty Ltd
Responsible Authority	Blacktown City Council
Security	Australian Concert and Exhibition Security
Transport	City Rail/bus shuttle
Attendance	approximately 75,000
Venue	Eastern Creek Raceway.

The Manager of Eastern Creek Raceway was contacted and advised the concert was planned by representatives of all involved providers.

The venue is owned by the Department of Planning, New South Wales and operated by the Department of Sport Recreation and Racing. The venue was hired to the Promoters and all planning meetings were chaired by Raceway officials to ensure compliance with laws, standards and local experience.

Following the concert, there have been few complaints from either patrons or any other groups or individuals. It was widely advertised before the concert that similar items to those banned at the Calder Park concert were banned and the list included all food and drinks.

Transport was provided by City Rail which utilised its normal electric train services and fare structures, to the adjacent Doonside Station. Doonside is approximately 5km from the Eastern Creek Raceway. City Rail estimated approximately 40,000 of the 75,000 patrons who attended the concert used the services. A separate fare of \$3.50 return was charged for the shuttle bus service.

At the finish of the concert, 12 additional train sets were used to complement the normal services and a charge of \$12,000 was levied by City Rail for the additional service.

The concert finished at approximately 11 pm and all City Rail services ran until about 2 am to clear patrons.

Minor delays occurred with the clearing of patrons after the concert, when a large number of patrons decided to walk from the venue to the Doonside Station. The presence of the patrons along the roadway caused delays in operating the shuttle bus service.

The State Police and City Rail report that no incidents of vandalism occurred to buses, trains or property.

The Raceway has a limited reticulated water supply, permanent first aid station and ablution blocks. In addition to the limited reticulated water supply, Promoters dispensed a large quantity of drinking water.

Standards related to environmental health, construction of the stage were determined and controlled by the Blacktown City Council.

Blacktown City Council

The Council advised there are no regulations in New South Wales related to the number of sanitary facilities which are required to be provided at outdoor festivals, concerts and sporting events.

Prior to the concert, a number of other councils where such events had been previously staged were contacted, and one toilet per 200 patrons was the standard recommended.

An estimated crowd for the Eastern Creek concert provided for approximately 80,000 patrons to attend, requiring 400 toilets which were equally segregated. Monitoring of the use of toilets during the concert revealed some queuing of up to five or six patrons occurring during the day.

The weather on the day was fine and reached approximately 25 degrees Celsius. There were no reported health concerns associated with toilets, water, first aid and/or food and drink sales. Council officers reported a successful concert and de-briefing has indicated that with the exception of some fine tuning, the Council will adopt a similar approach to any future concerts held at the venue.

State Rail Authority of New South Wales - City Rail

City Rail reported an unremarkable response to the concert. Normal electric train services were used throughout the forward journey to Doonside Station and current daily fare structures applied. Any person entitled to a concession fare, e.g. children under 15, students and pensioners, etc, retained their concessions, as did periodical ticket holders.

At the completion of the concert, 12 additional trains (eight to the City and four to the western suburbs) complemented the normal services, at a cost of \$12,000 levied on the Promoters.

State Police patrolled the trains and there was no evidence of vandalism occurring to either rolling stock or property.

A shuttle bus service was operated between Doonside Station and the Raceway and a separate fare of \$3.50 was charged. Some minor delays occurred to buses returning to Doonside because of persons walking along the roadway, however, all patrons using City Rail services were cleared by about 1.45 am.

It is estimated some 35,000 to 40,000 patrons were carried and City Rail believes it completed a successful business undertaking.

Roads Corporation

I am advised by the Roads Corporation it is investigating the licence and charter arrangements for the operation of the bus services.

RESPONSES

I forwarded a copy of my Draft Report, including tentative conclusions and recommendations, to the authorities involved to provide an opportunity for comment.

As I had, as a matter of necessity, observed and made comment and recommendations involving police, I also forwarded a copy of my Draft Report to the Chief Commissioner of Police.

The Honourable the Minister for Planning wrote:

"I refer to your letter of 28 April 1993 to which you attached a copy of the Draft Report relating to the above event and invited any comment that I might wish to make in respect of the Draft.

I note that the Draft Report includes matters of particular relevance to this Department - especially the Division of Building Control. They relate to the temporary stage and the toilet facilities.

However, initially it must be highlighted that the Division of Building Control was not approached with regards to this event until Friday 30 January 1993. At this time the structural and civil engineers provided a complex set of documents relating only to the stage structure without any reference to exact siting of the event or to requests for approval of toilet facilities.

The submitted documentation was examined and given approval on the basis that the construction and use of the structure be in accordance with that documentation, which included a statement to the effect that the engineers would be on site during the event to monitor the structure - particularly in

respect of the effects of increased wind speed. The nature of this approval is very important, as your report criticises the Department for not monitoring the structure.

Under the circumstances officers in the Division did everything possible to ensure an expeditious response in order that the event could proceed on the Sunday of that weekend.

Had the promoters and engineers made their submission to the Division of Building Control in a more timely manner, the Division could have investigated the application more thoroughly.

Nevertheless, it must be stated that the provisions of the Health Act 1958 (section 187-200) which were transferred administratively to this Department in recent years require re-writing, clarification and upgrading.

With this in mind, one of the major thrusts of the new Building Bill - approved in principle by Government last November and currently being drafted by Parliamentary Counsel - is the tightening up of controls over temporary public entertainment venues. All practitioners involved in the design and erection of structures at such venues will be required to be licensed by the Building Practitioners Board and will need to carry appropriate insurance.

As far as the toilet requirements are concerned, I wrote to Mr Geschke on 14 April 1993 to advise that in view of the unsatisfactory resolution of the matter by the Australian Uniform Building Regulations Co-ordinating Council, this Department has arranged for RMIT building surveying students to carry out a research project in order to determine appropriate numbers of toilets in all types of buildings including temporary entertainment venues. It is anticipated that appropriate amendments to address not only total numbers required but also the ratio of male to female toilets, will be included in the next amendment to the Building Code of Australia. In the interim I am advised that for such events as the Guns'n'Roses concert one toilet per 200 patrons appear reasonable.

It should be noted that the reference on page 44 of the Draft Report to Statutory Rule 236, should read "Statutory Rule 236/1985 Health (Public Building) Regulations 1985." You are advised that parts of the Public Building Regulations have been dormant since Amendment 3 to the Victoria Building Regulations (VBR) in 1985 due to a consolidation of building control type matters from the Public Building Regulations into the VBR. Work is currently proceeding to revoke the Public Building Regulations in their entirety.

In terms of dealing with applications requiring structural engineering expertise, it has already been agreed that this Department must be provided with a certification from a suitably qualified engineer that any erected temporary entertainment structure complies with the certified plans and specifications. On this basis the ideal arrangement would be for the building surveyor of the appropriate municipality to carry out on-site inspections.

In conclusion, you are advised that the Department is making every effort to resolve the issues that have been raised. However, it must be stressed that if Building Control Division officers had have been given adequate time by the applicant to deal with the application - as we were for other major events such as the Jeff Fenech fight and the Phillip Island Grand Prix some years ago - the complaints that you have referred to in your draft report may not have occurred."

The Honourable the Minister for Public Transport was satisfied the evidence provided by his Parliamentary Secretary and representatives of the Public Transport Corporation was accurate.

The Chief Executive of the Public Transport Corporation wrote:

"Thank you for your letter of 28 April 1993, forwarding me a copy of the Draft Report on the investigation by your office into the above event.

The findings of the investigation seem to clearly indicate that the arrangements made by the organisers left a great deal to be desired in regard to all aspects for the successful operation of the event.

Whilst the criticism in respect to the non-provision of public transport services is understandable, I can only reiterate points made to your staff during the investigation.

- i. The location of the venue was not conducive to the provision of efficient cost effective public transport services.
- ii. The finishing time of the concert presented difficulties for the co-ordination between any shuttle service (coach and train) and the normal public transport services leaving the City, without extending these services to the early hours of the morning. This would also have caused difficulty in positioning trains to deliver normal morning peak hour trains on the next day.
- iii. Operation of services on public holidays attracts high penalty rates and, therefore, the ability to achieve appropriate cost recovery is more difficult due to higher than normal costs, particularly at normal fares.
- iv. It is not reasonable to expect the PTC to provide additional services outside the regular timetabled services for special purpose events at inconvenient locations, and to incur a deficit on the operation. Public transport has been incurring significant losses in recent years, and the new Government is not prepared to allow these losses to continue.
- v. The proposal by the organisers to construct a new platform adjacent to the complex was attractive but the specifications were incomplete and, in the view of PTC experts, the proposed structure was inadequate for operational efficiency and safety of customers.
- vi. Using the PTC bus fleet for a shuttle bus was not considered, as the cost would have been significantly higher than privately operated buses, which would have increased the risk of the PTC incurring a loss on the operation.

The PTC has a sound record and reputation for providing significantly enhanced transport services for major entertainment events such as, the Spring

Racing Carnival, in particular the Melbourne Cup, the Royal Melbourne Show, AFL finals and other major events at the MCG. The locations where these events are held are conveniently positioned on the normal suburban transport system and can be appropriately and adequately serviced by upgraded transport frequencies without incurring disproportionately high costs. Recently the PTC provided extra services to cater for the Paul McCartney concerts at the MCG, and a very large crowd was transported very efficiently before and after the concerts.

In our view, the findings of your investigations into the overall organisation of the "Guns N' Roses" concert support our contention that proper consideration and planning was not undertaken by the organisers of the event in respect to transport arrangements, either by private means or public transport services.

Despite certain offers made by the organisers, there was never a clear and unequivocal commitment made to ensure that the PTC would not incur a significant deficit on the provision of transport services. It seems the organisers are more interested in maximising their profit from the event, rather than adequately providing for the patrons' needs and comfort.

Experience with other special "one off" events such as the Avalon Air Show, vindicates our view that given the existing cost structures involved in the provision of complex transport arrangements to "out of the way" venues, it is difficult for the PTC to achieve total cost recovery of these services.

Hence it is our view that there should be an expectation on the part of organisers of "special events" that they will have to include appropriate consideration of transport costs in their planning and costing for any special events of a similar nature to the "Guns N' Roses" concert.

In the final analysis, the PTC supports the view that better planning by the organisers could have achieved a more efficient and competent arrangement for the concert, including the provision of adequate public transport services with appropriate underwriting of the funding of the special transport arrangements required.

Should you wish to further discuss your concerns and findings in regard to the transport arrangements for the "Guns N' Roses" concert or any future events of this nature, please contact Geoff Smithwick, Director, Marketing on 610 8237."

The Director of the Office of Local Government wrote:

"I refer to your letter of 28 April 1993 in which you enclose a copy of the draft report on the investigation of complaints following the Guns N' Roses Concert. The Minister has asked me to reply.

I thank you for the opportunity to examine the report. The matters you have raised in relation to the City of Keilor deal specifically with the administration of a planning permit under the Planning and Environment Act and a building permit under the Building Control Act. These matters do not fall within the responsibility of the Minister for Local Government.

I note that you have referred the report to other Divisions of the Department of Planning and Development who will be able to examine these matters."

The City Manager of the City of Keilor wrote:

"I refer to your Draft Report dated 28 April, 1993, and Addendum attached to your letter dated 3 May, 1993, regarding the above and have pleasure in submitting the attached comments for your consideration.

Although every effort was made to provide these comments sooner it was difficult to do so because of the length of the report and the need to provide detailed and accurate comments on what are considered to be very important issues.

It is of deep concern that the City of Keilor has been criticised and held accountable for a number of issues that its officers have no statutory responsibilities for or authority over. Also, it appears some complaints were accepted on face value and not properly investigated. It would be of significant benefit to see the break-down of the 47 complaints received in order to establish which of

those related to failures of state and local authorities and others that related to such things as food and drink prices.

The recommendations contained in the Draft Report are generally supported. There currently is a lack of standards and procedures for necessary facilities and the co-ordination for the provision of necessary services for such events.

Council officers actively participated in the planning for the concert in the relatively short time available and also participated in the debriefing meetings which were very valuable. There were a great number of issues covered at the planning meetings, many of which changed in time due to various reasons, such as the non-availability of public transport for example. One of the most critical aspects of the conduct of the concert was that of security. A great deal of emphasis was placed on this issue because of the nature of the event and, apart from over zealous confiscation of food and drink, there was no trouble whatsoever which is remarkable given the size of the crowd.

There is no doubt that there were some problems with the concert and they have been brought to the attention of Council by officers to enable Council to determine if approval should be given for any similar event in the future and appropriate conditions that should be applied. Council resolved to allow a further trial concert and that it would then be prepared to consider a planning permit application for a number (to be determined) of concerts per year with appropriate conditions attached. The additional findings of your investigation will also be of great benefit to Council.

I trust these comments are of assistance to you and thank you for the opportunity of responding.

Comments On The Draft Report Dated 28 April, 1993, and Addendum Attached To Letter Dated 3 May, 1993, On Investigation of Complaints Following The "Guns N' Roses" Concert At Calder Park On 1 February, 1993.

Draft Report Comment
Page No.

3 *Defined administrative actions as alleged.*

It is considered that this defined area is very limited and should also include investigation into which authority has statutory responsibility for (a), (b) and (c). Also it should be clarified that there is no planning permit issued by Council for the concert but rather Council resolved to grant permission for the concert to take place subject to certain conditions.

3 *The Complaints*

Full details of each of the 47 complaints received are requested to assess their relevance and to assist Council in determining what actions or precautions should be taken for any future similar event.

It should be noted that the City of Keilor received very few complaints, in the order of 5 or 6.

6 *Lack of Shade and Shelter*

St. Johns Ambulance and medical doctor attended pre-concert planning meetings. The requirements for shelter should have been raised then.

6 *Breach of conditions of Planning Permit*

Clarification needs to be made in the Report that there is a Planning Permit (K02233 dated 9 October, 1984) for the Raceway with associated activities. Condition 40 of that permit refers to concerts which shall not be conducted on the subject land without the further written consent of the "Responsible Authority". Following a request by Calder Park Management Council, at its meeting on 10 November, 1992, resolved to approve the concert subject to certain conditions.

Except for Condition 40 the conditions on Planning Permit K02233 are not necessarily applicable to a concert.

- 6 (a) Over a number of weeks prior to the event there was extensive advertising by way of large notices in the local newspaper, large signs at and near the Raceway, morning and evening newspapers, television and radio.

The attached copy of "Notice to All Local Residents of Calder Park Thunderdome" was placed in the Keilor Messenger on 25 January, 1993. Refer Attachment 1.

Also, Mr. Jane has provided Council with evidence that he wrote to the residents of the four properties near the Raceway on 18 November, 1992, to inform them of the forthcoming concert and offered free tickets or alternatively a free night out. Three of the residents responded however Mrs. Whittle did not. So Mr. Jane went to see Mrs. Whittle about one week prior to the concert. Mr. Jane informs Council that Mrs. Whittle was totally opposed to the concert and did not want it to proceed. Refer Attachments 2, 3, & 4.

- 6 (b) There was not continued air traffic overhead from helicopters. Council officers who attended the concert confirmed that the use of helicopters was kept to a minimum in accordance with Council's resolution. There was minimal use by the Police media and VIP helicopters. There were no joyrides.

This satisfied entirely Council's condition on the approval for the concert.

At a pre-concert meeting the issue of helicopter use was raised by a Council officer and the Police Inspector present assured the meeting that the airspace would be controlled and there would be very limited use by helicopters. This was confirmed to be satisfactory on the day.

It would be of interest to see if there were any other complaints received regarding over

use of helicopters.

- 6 (c) Council officers first became aware of this matter when Mrs. Whittle complained about the concert the next day.

Condition 42 (e) of the Planning Permit K02233 provides that "The owner (of the Raceway) shall, if and when required by the occupier for the time being of the houses set out hereunder (including Mrs. Whittle), carry out noise alteration works upon the house..... This matter is currently being investigated by Council as Mr. Jane claims he has previously compensated Mrs. Whittle at her wish for alternative works instead of insulating the house and he is presently gathering evidence of this to furnish to Council.

It should also be pointed out that this matter is not directly related to the concert but rather it relates to the Planning Permit for the Raceway.

- 6 (d) The noise attenuation works required by Condition 42 (c) of Planning Permit K02233 was to be provided progressively.

The area of Raceway near Mrs. Whittle's property is the north-western section of the Western Circuit.

Planning Permit P1782 was issued on 7 March, 1991, for the earth mound around this section.

The construction of this mound has not been completed in full Hoarding cannot be constructed on the mound until it is completed and until it is sufficiently compacted which would take at least 12 months. In addition it might be that a hoarding is not required at this location as the earth mound which is in the order of 25 metres in height is significantly higher than that envisaged in Planning Permit K02233 and as earth is one of the best noise attenuation measures it might be justified by a acoustic

consultant that the hoarding may not be required in this location. This is yet to be determined.

- 6 (e) The provision relating to lighting is contained in Planning Permit K02233. Although this condition is not directly related to Council's approval for the concert, it is not agreed that the emission of light outside the site was a problem.

7 **Problems experienced with the 1977 concert**

The addendum to the draft report assumes that Council and its officers were aware of the "criticisms and recommendations" made following the 1977 concert.

None of the present Councillors or officers who were involved with the approval or planning for the subject concert were involved with the 1977 concert nor would they have any knowledge of the documentation which you have found in relation to the 1977 concert.

7 **Conclusions**

Environmental Health

- (1) **Unreasonable failure of the City of Keilor to ensure the provision and maintenance of adequate toilet facilities.**

This matter should be addressed as two separate issues:-

- (a) Ensure provision of adequate numbers of toilets.
- (b) Ensure adequate maintenance of toilets.

- 7 The issue of providing adequate numbers of toilets is quite complex as pointed out on page 44 of the Draft Report. The Report refers to toilet requirements under the Building Code of Australia and under Statutory Rule 236 Health (Public Building) Regulations 1985.

The department of Planning and Development advised in the report that "there are no rules to regulate the numbers and ratio of closets and urinals required to be provided at outdoor concerts, festivals and sporting events."

It could be argued that the Health (Public Buildings) Regulations 1985, Clause 99 (1) would apply to this type of function and these regulations place the statutory responsibility for enforcement on the Department of Planning and Development.

Councils have no specific statutory requirement on which they can rely when ensuring adequate number of toilets for this type of event.

It was necessary to rely on assurances given by the organiser at meetings held with them. The report on page 33 states:-

'Council officers interviewed have agreed that they tended to accept advice from organisers, that all appropriate and relevant standards would be adhered to and that more than sufficient amenities would be provided.'

This statement is incorrect and disputed, and in fact organisers gave 'assurances' in relation to toilet numbers that:-

(a) The number of toilets provided would be to the satisfaction of the Department of Planning and Development as per the Health (Public Building) Regulations.

(b) Details of the numbers of toilets installed would be provided to Council in order that these could be verified against the Health (Public Building) Regulations.

Once again it is pointed out, Council do not have specific statutory support to pursue this matter as do State Authorities.

7 The matter of adequate maintenance of the toilets is also a vexed question and the report criticises Council for failure to ensure proper

maintenance. No recommendation is made in the report however to suggest what proper maintenance under the circumstances would be.

At the request of Council's Health Department, organisers had on staff a plumber, plus a sewerage pump-out tanker was provided.

This type of maintenance has proved to be adequate at other functions held at the venue.

It is the opinion of Council's Health Officer that "poor maintenance" of toilets was not the problem. The problem which occurred with toilets would not have occurred had there been adequate drinking water available. Had this been the case, patrons would not have damaged toilets to get at water and also the queuing would have been substantially reduced.

- 7 (2) **Unreasonable failure of the City of Keilor to ensure the provision of adequate water supply particularly with the forecast of extremely hot rather conditions.**

In addressing this issue, it is considered unreasonable to place responsibility directly on Council. The report recommends as a matter of urgency that "Statutory Standards be determined" however, holds Council accountable.

At all meetings held with organisers, assurances (not advice) were given that a plentiful supply of water would be provided for drinking purposes and the areas would be clearly marked "Drinking Water".

Council Health Officer agrees as indicated in his previous report that the supply of drinking water was inadequate and therefore strongly supports recommendation No. 4. However it is considered unreasonable to hold Council accountable for the lack of clear statutory support in this area or for the non-compliance of assurance given by the organisers.

- 7 (3) **Unreasonable failure of the City of Keilor to ensure adequate facilities were established for first aid stations.**

This conclusion is again completely unfounded and unreasonable. Representatives of both St. Johns Ambulance and the Metropolitan Ambulance Service attended planning meetings with organisers and were able to make request of their requirements for First Aid Stations.

Not only does Council not have any statutory requirement to provide First Aid Station, the expertise required to do so is not available. Other than at the pre-concert planning meetings Council did not participate in any discussion at any time about the provision of first aid stations as it was more appropriate that the relevant experts do so.

- 7 (4) **Unreasonable failure of the City of Keilor to ensure appropriate standards were maintained by caterers for dispensing of food and drink.**

Once again this conclusion is unfounded, in fact inspection of the Food Stalls on the day of the concert showed that they complied with relevant Food legislation.

Discussion with Mr. Dole, the investigating officer, indicated the complaints relating to food outlets were that patrons had to queue for one type of food and queue again to obtain a drink. It is not the role of Council to decide on how many Food Outlets are provided and what they intend to sell from them. This is a commercial decision made by the caterers and organisers.

The role of Council is only to ensure that there is compliance with relevant food legislation relating to the structures and food handling procedures.

7 **Engineering**

The unreasonable failure of the Department of Planning and Development to ensure the

construction of the temporary stage complied with specifications.

It is agreed that the present system for the approval of temporary buildings and structures under Part XI of the Health Act 1958 is somewhat inadequate. The relevant sections of the Health Act clearly places the responsibility for the approval including inspections of such structures with the Department of Planning and Development however there does not appear to be any satisfactory procedure in place.

In relation to the subject concert, soon after Council approval was given, a Council officer contacted the Department of Planning and Development to confirm the statutory requirements for approval of the temporary structures associated with the forthcoming concert. The Department confirmed that it was responsible for such structures and that application should be lodged with them for approval. This information was conveyed to the organisers by letter dated 23 December, 1992.

In addition to recommendation 4 in the Draft Report which is very much supported by Council, it is suggested that there be a further recommendation that proper procedures be established and followed for the approval of the design and inspections of such structures.

- 7 (6) **The unreasonable failure of the City of Keilor to give consent to the erection of the stage on the site proposed in accordance with the provisions of the Health Act 1958.**

Section 194 of the Health Act provides that "A temporary public building shall not be erected unless:-

- (a) plans and specifications thereof have been approved by the Chief General Manager; and
- (b) the Council has consented to such erection on the site proposed."

This allegation is disputed as, by virtue of

This allegation is disputed as, by virtue of Council's approval given for the concert at its meeting on 10 November, 1992, the Council was well aware that the concert would have a stage and other associated temporary structures. It was not considered necessary to obtain separate approval by resolution from Council for such structures. Council officers, who represented Council in the planning for the concert following Council's formal approval, were fully aware of the location of the stage and associated structures. It is therefore considered that Part (b) of Section 194 was satisfied.

7 Planning Permit

Unreasonable failure of the City of Keilor to ensure that certain conditions and the intent of the Planning Permit were complied with in relation to noise monitoring, noise attenuation, lighting, public announcements and the modifications of nearby homes to reduce the affect of noise.

As stated previously Planning Permit K02233 and associated conditions applies to the Calder Park Raceway generally and only condition 40 applies to concerts.

8 Noise Monitoring

It is totally rejected that the City of Keilor has failed in relation to noise monitoring. Noise level readings were taken on the day of the concert and the results were found to not exceed those limits specified in condition 12 of the permit which was used as a guide.

The E P A was requested by Council to attend the concert for the purpose of monitoring noise emissions. However they declined to attend due to lack of funding (contact Colin Brown EPA). As a result Council requested Mr. Jane to arrange for noise monitoring to be carried out and he was given a plan with locations suggested by the EPA where the noise readings should be taken. The results have since been provided to Council and in accordance with Council's approval are available to the public for information.

It should be noted that condition 12, which was used as a guide for noise limitations, required noise readings to be taken at the boundary of any residential zoned land. Mrs Whittle's property is not zoned residential. If it were no noisy event would ever be allowed to take place at the Raceway.

8 Noise attenuation

Disagree, refer to comments on item (d) on page 6 of Draft Report.

8 Lighting

Disagree, refer to comments on item (e) on page 6 of Draft Report.

8 Public Announcements

Disagree that Council has failed in any respect regarding this matter. It was expected that any action required to be taken for offensive language was the responsibility of Victoria Police.

8 Modification of nearby homes

Disagree, refer to comments on item (c) on page 6 of Draft Report.

8 Council approval

(8) Unreasonable failure of officers of the City of Keilor to ensure the conditions on which Council approved the concert were complied with in that they failed to:

- (a) provide explanation to local residents of the trial being undertaken to enable Council to respond to future applications by promoters and organisers to hold concerts at the venue;**

Council officers believe that adequate notification was given to local residents by way of notices in the newspapers, advertising on radio, signs etc. In hindsight however, it is acknowledged that a better process should be

provided to notify local residents prior to the concert.

- 8 (b) guarantee that the results of the monitoring would be made available to the public;

Disagree that Council has failed in this regard. The results are available to the public, they have been reported to a Council meeting in the form of a public document and were made available to the press.

- (c) ensure proper facilities, e.g. adequate toilets were provided;

Disagree, refer to comments of item (1) on page 7 of Draft Report.

- (d) ensure helicopter use was kept to a minimum;

Disagree, refer to comments on item (b) on page 6 of Draft Report.

- (e) failed to arrange the programme to spread to spread the likely departure/arrival times of patrons.

Disagree that Council has failed in this regard. The issue of spread of likely departure/arrival times of patrons was 2 specifically addressed at the pre-concert planning meetings. It was agreed that patrons would be allowed to arrive at the venue commencing Saturday prior to the concert and in order to minimise traffic congestion at the conclusion of the concert, entertainment was provided after the main act for about one hour. There was no traffic problem whatsoever with patrons arriving at the venue; There was traffic congestion with people leaving after the concert however this was expected by the Police and Council officers involved and in fact it was expected that it would take longer than it did for the traffic to clear.

There was nothing more that could have been done to spread the likely arrival and departure times and it is difficult to see how the City of Keilor failed in this regard. A clarification or explanation would be appreciated.

8 **Public transport**

- (9) **Unreasonable failure of the PTC as a multi-modal service provider of publicly owned transport infrastructure to adequately examine its capacity and the range of business options available to respond to the opportunity to utilise its assets and provide services to a significant public event.**

It is agreed that a number of problems with patrons leaving the concert could have been avoided if public transport had been made available. The City of Keilor supports fully the provision of public transport to and from the venue for any future concerts. It is also recommended that a temporary station or platform be built adjacent to the Raceway for future events.

In the earlier pre-concert planning meetings it was assumed that public transport would be made available however when it was evident that the PTC would not agree other arrangements had to be made. The lack of public transport also contributed to the problems experienced with the parent/children pick-up points.

9 **Recommendations**

- (1) **All future events other than race meeting held at Calder Park be subject to a separate Planning approval .**

The thrust of this recommendation is supported. Council has already acted in this regard by resolving to advise Calder Park Management that it would allow a further trial concert sometime in the future and the outcome of that and the subject concert would be used in the formulation of suitable conditions for a planning permit that could be applied for for a number (to be determined) of concerts per year. The existing permit for the Raceway is not necessarily relevant to events of this type.

A planning permit should be applied for to hold up to a certain number of such events per year

rather than for each individual event as the likely time frame involved would render the proposal impractical given the need to give notification widely of the proposal and possible appeal to the Administrative Appeals Tribunal.

- 10 (2) A public Services Event Co-ordinator be appointed for each such event to ensure a co-ordinated and desirable approach to the provision of all necessary public services.

This recommendation is supported in principle. Such issues as who would be appointed, how the position would be funded, are there enough such events to warrant the position and what powers and authority the position would hold would have to be addressed.

The statement that "the co-ordinated provision of public services, both state and local authorities, appears to have been non-existent" is misleading. There were a number of pre-concert planning meetings involving state and local authorities where a great number of issues were canvassed and implemented. Due to the lack of previous experience with such events for most of the personnel involved it was expected that some minor problems would occur but the more important issues were addressed. Given the size of the event, the extreme weather conditions on the day and the non availability of public transport, it is considered the issues that were properly addressed and implemented far outway the problems that were encountered, some of which were complaints that were not well founded. Nevertheless the City of Keilor has taken steps to benefit from the experiences of this concert for future similar events.

- 11 There is disagreement with the statement that Council officers indicated that they tendered to accept advice from the organisers that services would be adequate and would be provided to an acceptable standard. Council officers were given assurances by the organisers that plans detailing the number and locations of facilities would be provided. At the last pre-concert planning meeting about one week prior to the concert Council's Health officer again requested the

information and was advised that it would be provided. A short time prior to the day of the concert a plan showing the location of toilet blocks was provided however, the plan did not show the number of toilets. At this late stage if the concert was prevented from going ahead it could have resulted in serious problems such as issues of crowd control, compensation and so on which could have been much more serious than a shortage of toilets. Following the experience of this concert Council will however ensure that for any future event such information is provided in adequate time.

At the time Mr. Dole interviewed Council officers and requested information as to the number of toilets provided on site, the Chief Health Surveyor was on leave and his deputy was not familiar with the matter as he had not had any direct involvement.

Clarification is requested regarding the lack of co-ordination concerning the application for construction of the temporary stage. Who is this statement meant to apply to? Surely the design engineer was fully aware of the exact location of the temporary stage and would have designed the structure for the appropriate wind loads. There was no doubt in Council's mind where the stage was to be located.

- (3) **The planning and response of Police and Emergency Services and the capacity of facilities and services to respond to ongoing needs and potential emergencies be subject to planning and direction of the Victoria Police Major Incident and Planning Unit.**

This recommendation is fully supported.

- 12 (4) **As a matter of urgency, Statutory Standards be determined to ensure the adequate provision of sanitary facilities and drinking water at outdoor concerts and festivals.**

This recommendation is strongly supported and the City of Keilor would be pleased to participate in the development of such standards.

A further recommendation that suitable procedures be implemented in the Department of Planning and Development for the approval of the design and inspections of temporary structures is suggested.

Clarification is required regarding which officers are charged with the responsibility to provide direction to ensure minimum standards are achieved. This is not the function of Council .

- (5) All future applications for planning approval for such events, particularly those where it is proposed to be held at venues where permanent facilities are not established, be accompanied by an appropriate and professional risk assessment report.

This recommendation is strongly supported. Such a professional risk assessment report should be included as part of a planning permit application.

The risk assessment should include exposure to excessive rain/flood immediately prior to or during the event.

- 32 Clarification is required as to which parts or matters contained in reports generated by (Council) officers who attended the meeting on 7 December, 1992, are contradictory and what inaccurate information is contained in the letter of 23 December, 1992. It should be borne in mind that the different reports related to different meetings attended by Council officers. As time went on circumstances changed and alternative plans were made.

Also Council's traffic engineers attended some separate meetings to discuss traffic issues.

No explanation is given in the Draft Report as to how the alleged contradictions or inaccurate information caused or contributed to problems at the concert. The relevance of the statement is therefore questioned.

- 33 It is disagreed that Council officers agreed that they did not insist on obtaining information to

ensure compliance with Council's conditions of approval. Assurances were given by the organisers in relation to the provision of water and toilet facilities, whilst other conditions were satisfied.

- 33 As previously mentioned the issue of noise attenuation works to Mrs. Whittle's house is not relevant to this event. Council is currently investigating the matter with respect to the 1984 Planning Permit for the Raceway as Mr. Jane claims Mrs. Whittle was alternatively compensated at her request.
- 33 The statement regarding the over-use of helicopters disputed strongly. There was only minimal use which accorded with Council's approval. Were there any other complaints to substantiate the claim?
- 34 The Draft Report is critical of the fact that noise readings were not taken near Mrs. Whittle's property and therefore infers that it was required to be carried out. This in fact, was not the case so any reference to this should be deleted.
- 43 **Temporary stage**

It is noted that the Department of Planning and Development received an application for approval of the design of the stage on 29 January, 1993, (the last business day before the concert) .

Council advised the organisers by letter on 23 December, 1992, of the need to make such application. At a subsequent pre-concert planning meeting Council officers were advised that such approval was being obtained. The Department was contacted on Friday 29 January, 1993, by a Council officer who was advised that the application had been made and approval given.

- 43 The statement that the Department was of the view the structure would be monitored (inspected) by the relevant local authority is inconsistent with advice given to Council by the Acting Director of Building Control who confirmed that under the Health Act it is the responsibility of the

Department. This information was conveyed to Mr. Dole of your office prior to finalisation of the Draft Report so it is surprising to see this statement in the report.

Notwithstanding this it would not have been possible for Council to properly inspect the structure because it was not in possession of plans approved by the Department nor does Council have the expertise to inspect such a special structure.

NOTICE**TO ALL LOCAL RESIDENTS OF CALDER PARK THUNDERDOME**

This is to advise that a music concert with Guns N' Roses and the support bands, Rose Tattoo and Skid Row, will be conducted at Calder Park Monday 1st February, 1993 from 3.00 pm to 11.00 pm.

Large crowds are expected and there will be heavy traffic, particularly at the Event, on the Calder Freeway. There will be substantial police traffic control in both directions on the Freeway and surrounding roads from Calder Park.

Sound levels are expected to be less than the permitted sound level allowed at Calder Park and will be monitored and a report on the new levels will be published in this newspaper the following week. Please be aware that fireworks will be used during the Event.

Gates will open at 11.00 am and the Event will finish at 11.00 pm however, it is expected that traffic will be arriving as early as Saturday 30th January and on throughout Sunday and Monday. However, as mentioned, heavy traffic is to be expected before and after this Event.

Some tickets have been reserved for residents who wish to attend and are available at Calder Park for \$50.00. Alternatively, tickets will be available on the day of the concert at Calder Park.

If you are dropping or collecting your children from the Event, please be in the pick-up area (as indicated on the map) by 10.00 pm in case the Police close Calder Highway.

Calder Park Management assures you that they will do everything possible to minimise any inconvenience to our nearby residents.

Yours sincerely,

BOB JANE
MANAGING DIRECTOR

Attachment 2.

November 18, 1992

Mr & Mrs Dave Whittle

Dear Mr & Mrs Whittle,

On Monday February 1, 1993 which is the Australia Day long weekend, we will be having a music concert featuring Guns N' Roses and support bands.

The concert will commence between 2.00-3.00 pm on that Monday and finishes between 10.30-11.00 pm that night.

In consideration of your close proximity, we would like to make these offers to you:

1. We will provide up to four tickets for yourself, family or friends, to join us for the concert, and these tickets will be supplied free of charge of course.
2. We are prepared to offer you a dinner for four persons at a restaurant of your choice with the account to be paid by Calder Park with a limit of \$200.00.

I hope that you can join us for the concert or alternatively take up my offer of the dinner as I thought it might be a nice way of making sure there are no effects on your night of February 1, 1993.

Please let my secretary Debbie know and we will be happy to provide either the tickets or a cheque for the dinner.

Yours most sincerely,

Bob Jane,
Managing Director

Attachment 3.

FILE COPY*January 22, 1993**Mr & Mrs Ali
Calder Highway
KEILOR VIC 3036**Dear Mr & Mrs Ali,**Further to my letter of November 19, 1992, I now have pleasure in advising that VIP facilities have been arranged for the Guns N' Roses Concert on Monday February 1, 1993.**The VIP box is situated above the concert in the Skypark and as you will understand, we can only accommodate two in the VIP area.**The support acts will commence at 4 pm and I look forward to welcoming you both in the VIP box from 4 pm for refreshments. A buffet dinner will be served from 6.30 pm and Guns N' Roses will commence at 8.00 pm. This will also enable you to have a spectacular view of the entertainment and pyrotechnics display.**I will be couriering to your home address on Friday January 29, 1993 one vendor car pass for you to gain access into the grounds. Parking will be available for you via the main staff entrance and an area has been designated in the Drag Racing Pit, to ensure security of your vehicle, however you must present your tickets and car pass in order to gain access through the gates.**Mr & Mrs Ali, should you have any further queries, please do not hesitate to contact my office. In the meantime, I look forward to seeing you both on Monday February 1, 1993 for what I am sure will be a most enjoyable evening.**Yours sincerely**Bob Jane
Managing Director*

FILE COPY

January 29, 1993

Mr & Mrs Cook
62 Holden Road
Diggers Rest RSD
SUNBURY VIC 3429

Dear Mr & Mrs Cook,

Further to my letter of November 19, 1992 regarding the Guns N' Roses Concert to be held at Calder Park on Monday February 1, 1993, and your response to Debbie that you wish to take up our offer of a night out for dinner, I now have pleasure in enclosing our cheque for \$200.00.

I hope you have an enjoyable evening and thank you for your co-operation on this occasion.

Yours sincerely

Bob Jane
Managing Director

The City of Keilor, in fully supporting some recommendations and providing qualified support to other recommendations, felt my findings insofar as my criticism of the City of Keilor was concerned was substantially incorrect, particularly where there are no Statutory standards or responsibilities for its officers to act or have authority over.

I make the following further comments:

(1) Planning Permit K02233

I do not accept that the conditions of the Planning Permit K02233 of 9 October 1984 were not applicable. The Permit at Clause 40 Provides;

"Concerts shall not be conducted on the subject land without the further written consent of the Responsible Authority."

The application for the "Guns N' Roses" concert and earlier concert proposed for 17 March 1992 were made in accordance with that condition.

When I requested the City of Keilor to provide me with a copy of the Permit for the "Guns N' Roses" concert and Council conditions of approval, I was forwarded a copy of Planning Permit K02233 by the City.

(2) The Complaints

I have provided a summary of the complaints in my Report which clearly sets out the complainants' concerns. My findings and recommendations were determined after my investigation of the circumstances. The investigation was conducted on my own motion and was not necessarily restricted to the nature of the complaints.

(3) Problems experienced with a concert in 1977

Irrespective of whether there was awareness by Councillors or Council officers of any criticism or recommendations following the earlier concert, or whether there was knowledge of any associated documentation, present Council staff involved in the planning of the "Guns N' Roses" concert were aware of the previous concert. It is apparent that although staff were clearly charged with making plans and decisions to undertake a trial, they did not attempt to ascertain the outcomes of that concert.

I have not examined Council's records or archives to determine whether the information was or should have been readily available. The action of officers, however, not to seek out that source of information, is unacceptable and may well have resulted in disastrous consequences. Is it to be assumed that with the passing of time and the change over of officers, that little will be learned from this "trial" concert?

(4) Responsibilities in the absence of Statutory standards

The decision of Council to approve a one-off concert on a trial basis, required that Council officers ensure that adequate services, particularly essential

services, i.e water, sanitary, food dispensing, transport and first aid, etc, were planned, provided, results monitored and appropriate reports made available to Council and readily available to the public. The absence of Statutory standards does not, in my view, relieve Council officers of that responsibility. Similarly, the acceptance by Council officers of "assurances" from organisers does not satisfy the instructions of Council.

There is no evidence that Council officers discussed or agreed with organisers regarding what were deemed to be adequate standards and/or what would be actually provided. As an example, Council officers two months after the concert did not know how many toilets had been provided at the venue or the ratio of toilets between the sexes. Council officers accepted assurances from organisers that there would be plenty of water available, apparently without a clear understanding of what was intended. The intention of organisers was that, in the majority of circumstances, the water would be for sale.

Advice received from a Deputy Chief Health Officer of a council, indicates that there is scope for a council to act, as provided in the Nuisance provisions of the Health Act, to ensure that essential services are provided and circumstances exist which are not liable to be hazardous to health.

Community experts in this instance employed by the City of Keilor were vitally involved in the planning of the services and facilities for the concert. Patrons, particularly minority aged patrons, were entitled to be protected and have reasonable expectations that adequate and acceptable services and standards would be provided, as was intended by Council in approving the concert. Any denial of those rights and expectations brings into question the reason Council officers were involved in the process.

(5) Temporary stage

Section 196 of the Health Act 1958 provides:

"196 Application for Council's consent

- (1) *The proprietor of any temporary building plans and specifications of which have been approved by the chief general manager as aforesaid may make application to the council for its consent to erect such building.*
- (2) *Every such application shall -*
 - (a) *be in writing;*
 - (b) *specify the site upon which it is proposed to erect the building and the dates and times on which and the purposes for which the building is proposed to be used;*
 - (c) *be accompanied by the prescribed fee.*
- (3) *The council may (with or without any modifications and subject to conditions as it thinks fit to impose) grant its consent to the erection of the building or may refuse to grant its consent."*

No such application was made or consent provided, nor is it apparent that Council officers considered whether modifications were necessary to the structure.

It is not accepted that Council's general approval of the concert 10 weeks before the event, discharges that Statutory responsibility.

(6) Monitoring of noise

Council's approval for the concert requires that the Environment Protection Authority (EPA) carry out noise monitoring. The results of the monitoring were to be measured against the standards provided in Condition 12 of the Planning Permit K02233.

The official file held by the EPA does not indicate that Council contacted the EPA. The file does record that the EPA contacted the Council after the concert.

The EPA has indicated it would have been prepared to carry out testing on a fee for service basis or it would provide guidelines for the tests to be carried out by a recognised expert.

(7) Explanation to local residents

The determination of Council provided that an "explanation" of the decision to approve the concert on a one-off trial basis be given to local residents. A "notification" in a local newspaper that a concert is to take place, traffic problems are expected and noise monitoring will occur, is not, in my view, an explanation of Council's decision of what was hoped to be achieved.

(8) Use of helicopters

A complaint received from a local resident that helicopters were circling and hovering over the venue for most of the day was confirmed by Victoria Police Major Incident and Planning Unit.

Such circumstances appear contrary to Council's intention that "helicopter use be kept to a minimum". However, as the event was obviously newsworthy, it would not have been possible for action to be taken to restrict news helicopters from operating in other than noise sensitive areas.

My understanding is a noise abatement flight path has not been established over the Calder Park Raceway complex.

(9) Council's direction to arrange the programme to spread the likely departure/arrival times of patrons

The intervention of Council officers to ensure that gates were opened earlier than was planned or occurred would have provided for the orderly conduct of catering requirements as was strongly recommended during planning by the caterers to avoid stress and a "scramble" for food and drink. It would have enabled waiting patrons to use the available sanitary facilities over a longer period. Similarly, an earlier finishing time of the concert may have made the provisions of existing public transport facilities a viable proposition.

(10) Appointment of Public Services Event Co-ordinator

I envisage the Co-ordinator as required for each event may be nominated from any of the major contributing authorities to the event, including the

Victoria Police Major Incident and Planning Unit.
Costs incurred should be recovered from the promoter/organiser.

After further consideration of the responses, I do not believe these affect my findings or recommendations.

SUMMARY

Having examined the circumstances, there were serious deficiencies in the way the public services were planned and co-ordinated for this concert, and I am satisfied that the complaints made to me were justified.

There are complaints involving matters outside my jurisdiction where services and goods were provided by private organisations and although I have made comments in my Report, I have also forwarded the details to the Office of Fair Trading for review.

It would be impossible to try to give redress to the individual complainants and this was not the main purpose of my own motion investigation.

There have been previous concerts where similar deficiencies have occurred and no doubt, there will be similar deficiencies in the future unless a co-ordinated approach is taken to ensure the provision of appropriate and adequate facilities and services. To this end, I am recommending that a Public Services Co-ordinator be established to look at the total requirement of public services to such events.

Obviously, such a Co-ordinator, if limited to public services, will only cover part of the problem. It seems to make sense to me that such a Co-ordinator funded from the proceeds of the concert would have a charter to cover all aspects, not as a person primarily responsible for provision of services, but to ensure that both public and private providers have taken into account the lessons learned from the two concerts referred to and that appropriate actions are taken to cover these matters.



Norman Geschke
OMBUDSMAN

10th January, 1978

CALDER RACEWAY. ROCKARENA POP CONCERT, 13TH NOVEMBER, 1977.

In a report to the Commission, the Acting Superintending Building Surveyor, Mr. Jeffery, referred to adverse reports submitted by the Police and the District Building Inspector concerning a pop concert conducted at the Calder Raceway on the 13th November, 1977.

An application to use the raceway was received in the Department on the 9th November, 1977. This application included a very sketchy plan which did not provide adequate information on the structures to be erected, the stage structure, fences, gates, toilets, entry and exit provisions. No plan was received in respect to the electrical installation, nor was any information provided as to the expected attendance. Officers of the Department considered the application carefully and approval was issued on the 10th November subject to requirements thought most relevant to public safety and based upon an estimated attendance of 30,000 people.

Although subsequent reports indicated that the concert was successful, more serious consequences might have occurred if by some mischance a panic situation had arisen. The Police estimated that the actual crowd present was 60,000, twice that accepted in the approval. In this regard the Calder Raceway is only registered for 20,000 persons.

Both the Police and the District Building Inspector raised the following unsatisfactory aspects of the concert:

1. A number of quite large structures, such as scaffolding towers for lighting the stage, which was 3 stories high, video screens and camera platforms were constructed within the public viewing areas, but these were not shown on the plan submitted for examination. It was reported that one of the large video screens and the framework collapsed during the concert, but fortunately no one was injured.
2. No drinking water was available for patrons until late in the day when supplies were brought in by tanker.
3. Insufficient entry and exit gates were provided and as a result dangerous congestion took place. There was an insufficient number of entrances to the public viewing area despite the fact that at least 90 metres of opening was requested in the letter of approval for 30,000 people. With the estimated attendance of 60,000 an aggregate width of 180 metres would have been necessary on the day of the concert to permit emergency escape.
4. An inadequate number of toilets was provided. 63 portable toilets were made available on the day of the concert despite the fact that one of the conditions of the approval stated that an additional 44 pans and 20 metres of urinals and 44 pans for females, making an additional 121 units, would require to be provided for a total crowd of 30,000 persons. The situation was aggravated by the fact that less than half of the permanent toilets at the venue were available on the day due to temporary fences preventing access to them. It was reported that females were reluctant to use the portable toilets because of the lack of screens and according to the Police the toilets were not up to standard and many complaints were received.

5. The artificial lighting serving the area was reported to be inadequate by the Police.
6. Helicopters were used to ferry performers to the site, thus violating the Commonwealth Department of Transport Regulations in that helicopters flew at low levels over the crowd and created a potential hazard to the spectators.
7. Concern was expressed by the Police at the control of the crowd because of the lack of aisles and roped off areas.

1. It was recommended that the promoters of the pop concert, Paul Dainty Corporation Pty. Ltd. be notified of the unsatisfactory aspects of the promotion already detailed and that insufficient time was given to officers of the Department to consider the application, which was received three working days before the concert was due to take place, the application was inadequate, the plans were not clear, precise details of the maximum attendance were not provided, details of scaffolding towers, stage structure, video screens were not provided, nor were the number and width of temporary exits, the number of toilets was not given and details of permanent and temporary fences were now shown clearly.

2. It was also suggested that the promoters be informed that unless satisfactory details were provided in future in respect to any similar promotion, the Commission would not grant approval for such concerts to be held and the Chief Secretary's Department would be advised to withhold any permit necessary under the Sunday Entertainments Act.

3. It was also recommended that the promoters of the Calder Raceway be informed that use of the raceway would not be permitted in future by the Commission for similar concerts unless the numbers of persons in attendance are limited to not more than 20,000.

4. It was finally recommended that the Chief Secretary's Department be advised of the Commission's decision and a suggestion made that before any approval is issued for any similar concert in the future, a joint meeting of all Authorities involved, namely the Chief Secretary's and Health Department, the Police and the local Council, be called to discuss the requirements of any approval likely to be given.

Dr. McCloskey suggested that it appeared that there was a clear cut case for the promoters to be prosecuted for permitting more than the approved maximum of 30,000 persons to be in attendance and recommended that both the promoters and the proprietors of the Calder Raceway be so prosecuted.

The recommendations were adopted on the motion of Cr. Flood and Cmr. Pittard.


ACTING SECRETARY.

"THE AGE" Wed 11.1.1975

Charges to be laid over rock concert

The Commission of Public Health will prosecute promoter Paul Dainty over the Rock-arena concert held at the Calder Raceway last November.

Owners of the raceway, Calder Raceway Investments Pty. Ltd., also face prosecution.

At a commission meeting yesterday it was stated that a permit for 30,000 people had been approved for the concert.

However, 60,000 people attended.

In a report compiled by police and a district building inspector the following complaints were made:

- A number of large structures including scaffolding towers for lighting, stage, video screens and camera platforms were constructed but not shown on the plan submitted for approval;
- One of the large video screens and framework collapsed during the concert;
- No drinking water was available until late in the day when it was brought in by tanker;
- Insufficient entry and exit gates were provided;
- The crowd pushed on fences until they almost collapsed.
- Not enough toilets were provided (63 portable toilets for 60,000 people);
- Less than half the permanent toilets were available due to temporary fencing preventing access.
- Police reported that helicopters used to ferry performers to the site violated

By JANE EYRE

Department of Transport regulations in flying at low levels over the crowd, and

- Insufficient fire-fighting facilities were provided.

The commission also decided to limit any future functions at the Calder Raceway to 20,000 people.

Future approval will be given only after a joint meeting between the police, health authorities, the Chief Secretary's Department and the local council.

A member of the commission, Mr. C. W. Berkley, said the raceway was approved for 20,000 spectators during a race meeting.

The rock concert application was based on 30,000, he said.

The application was made on November 9 — three days before the event, he said.

"Perhaps we shouldn't have approved the plan because it was so hasty," Mr. Berkley said.

The commission's report said a very sketchy plan was submitted with the application.

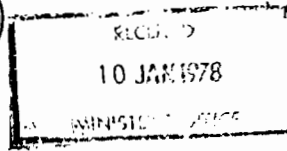
It said no information was provided on expected attendance or progress with ticket sales.

CITY OF KEILOR

Address Reply to Town Clerk

Your Reference: KMSH/MC

Our Reference:



APPENDIX C

MUNICIPAL OFFICES
KEILOR

Telephone:
336-7211

5th January, 1978

The Hon. W.V. Houghton,
Minister for Health,
Department of Health,
555 Collins Street,
MELBOURNE, 3000



Dear Sir,

I would like to bring under the notice of your department the Calder Raceway, Calder Highway, Keilor, and its effect on the amenity of the area and the well being of the citizens in its vicinity.

The background is as follows.

In 1961 when the area was zoned rural the Melbourne and Metropolitan Board of Works issued a permit in the following terms:-

'Subject to the conditions (if any) set out hereunder permission is hereby granted for the land situate at and described as having a frontage of 2067' to the south side of Calder Highway, City of Keilor, at the 16th Mile Post, Certificate of Title Volume 8120 Folio 643, to have buildings and works erected thereon in accordance with the attached endorsed plan and to be used for the purpose of a Light Car and Motor Cycle Racing Circuit.'

As you can see, this had absolutely no conditions attached to the permit and it could be said at that time, as the attached map shows, that the area was so isolated the number of residents so few, and the number of patrons who would attend such car races would be of a relatively small number that conditions on car parking, noise, and the amenity of the area were not necessary.

As well as that, a registration as a public building with the State Health Department was effected at the time the raceway was being established and this did lay down certain conditions in regard to toilets, etc. but its main condition was one which limited the attendances to 20,000 people.

Since then, of course, as the map shows, significant areas in the vicinity of the Calder Raceway have been rezoned as "Reserved Residential." Large numbers of people are already living in this zone and over the next short few years all of the areas so zoned will be completely built on and will contain a population estimated at 59,000.

It appears also that since 1961 the Melbourne and Metropolitan Board of Works has not checked or taken action to see that the permit was complied with, nor has the State Health Department taken action in regard to its requirement of a maximum number of people at any one performance of 20,000.

As a consequence many other uses have occurred, such as stock car racing, quarter horse racing and the most recent one, a rock concert, all of which are in breach of the permit. The number estimated at the rock concert was 50,000 to 60,000 which is clearly a contravention of the Public Building Permit. This was supposedly a Sunday concert which required permission of the Chief Secretary's Department and from what I am informed, was for a maximum of 20,000 on which basis the Keilor City Council at an administrative level, did not oppose such use.

It appears, therefore, that gross breaches of conditions of permit, Public Building Regulations, and conditions laid down by the Chief Secretary's Department occurred and no action as far as I am aware, has been taken against the permit holder.

From what has been described to me by a resident who lives opposite the raceway, conditions were absolutely appalling. People in large numbers came there on Friday and Saturday, had to stay outside the raceway, camped on the Calder Highway, had no conveniences so they used the roads or paddocks for this purpose. The resident was vilified, his property was invaded by trespassers, his family terrified, his paddocks and dam were used as toilets and he and his family were subjected to calculated vulgarities and obscenities. Police were called to protect him but as soon as they left conditions worsened. Horses on the property, some in foal, were chased, fences destroyed and he has put in a claim for repairs of some \$4,400.00.

Traffic on the highway was chaotic and parking totally inadequate and uncontrollable.

Reports should have been prepared by the Police Officer in-charge, the Public Health Official who was present for part of the time, and considered in conjunction with the report of the City of Keilor Health Inspector graphically describing conditions on the Monday after the event. It seems incredible to me that conditions as I have portrayed which were dangerous to health and offensive, should have occurred without punitive action being taken and that decent law abiding residents of Keilor should have been subject to such indignities.

It is understood that a further application for a rock concert to occur in February will be made. Under no circumstances would Keilor City Council agree to this and as it would be illegal under the terms of the Land Use Permit and could not be contained within the 20,000 limit of the Public Building Permit, it is requested that the Melbourne and Metropolitan Board of Works, State Health Department, and the Chief Secretary's Department ensure that the various laws are obeyed.

It appears to me that conditions have changed so drastically from a planning point of view since 1961, when the original Land Use Permit was granted, that action should be taken by the Melbourne and Metropolitan Board of Works under the Town and Country Planning Act to have the permit revoked so that this raceway can be relocated in an area further out where under appropriate conditions it could operate without detriment to the amenity.

Keilor had a population of 23,118 in 1961, it is now 76,000 and before the end of the century will be about 150,000. Its residents are entitled to feel that what has occurred has prejudiced their well being and that it should not be allowed to happen again.

Yours faithfully,



K.M.S. Holland
COMMISSIONER

Attach.

Dist.: Hon. V.O. Dickie,
Chief Secretary

A.H. Croxford Esq.
Chairman, Melbourne & Metropolitan Board of Works

VICTORIA



POLICE

Chief Inspector's Office
No. 3 Division
St. Albans

15th November 1977

Chief Superintendent

'V' District

SUBJECT:

Calder 'Pop Concert' held at Calder Raceway, Diggers Rest,
on 13th November 1977 - Report re conduct of.

Information

1. On the 13th November 1977, I attended with yourself at the above-mentioned function. The function passed off well with very few incidents. My observations of the event together with criticisms are as follows: -

- (a) Crowd. Although the organizers place the official attendance at somewhere in the vicinity of 44,000, I believe that the crowd exceeded 60,000. This is difficult to estimate accurately but experienced personnel verify my figure.
- (b) Venue. Calder Raceway, as a venue for this type of function is, in my opinion, unsuitable in its present form. The following points are made in this respect: -
 - (i) Water. A reticulated water supply is not available. Bore water available is unsuitable for drinking. Many complaints were received.
 - (ii) Toilets. Toilet facilities are totally inadequate for a similar function. Portable toilets provided on this occasion are not up to a standard expected by the public. Looking at the toilet facilities overall, they were sub-standard and a prime area of complaint.
 - (iii) Lighting. Lighting throughout the whole area was no-where near enough and made policing extremely difficult. Temporary lighting provided in car parks and on roadways was not sufficient and made traffic control a dangerous occupation.
 - (iv) Public Viewing Area. The public viewing area created a potentially extremely dangerous situation. No aisles or "free" areas were provided and proper policing was impossible. One hesitates to think what would have happened if a large disturbance had occurred within this area. The embankment on the northern end is also most dangerous and needs to be terraced and fenced at the rear otherwise serious injuries could result.

- (v) Entrance Gates. Entrance gates are not sufficient in number to cope with large crowds. Delay was caused due to searches for alcohol but generally this facility was not sufficient. Many complaints were received in this area.
- (vi) Fire Equipment. Insufficient Fire Fighting facilities were provided. Although several small fires were lit and quickly extinguished, a large fire could have proved disastrous.
- (vii) Public Service Facilities. Public Service Facilities were totally inadequate and Police were inundated with requests which could have been attended to by management. This was particularly so after the function when Police were the only body available to assist. A central administration area with telephone and welfare capabilities would seem essential.
- (viii) Aircraft. A number of helicopters were provided by the organizers and created some problems. Some low flying over the huge crowd created a danger, so much so, that Tullamarine Control was notified. It is recommended that their future use be severely restricted.
- (ix) Campers. Early arrivals on Saturday created some problems. Some damage was done to surrounding properties. In future these people should be provided with a suitable area containing all facilities. In this way they could be properly policed.
- (c) Traffic Control. Traffic Control was a large and difficult problem. The Calder Highway has serious deficiencies when coping with this volume of traffic. Apart from its general narrowness, congestion is extreme at Keilor (particularly at the bridge and beyond) until the start of the Freeway. An effort was made to prohibit parking on each side of the Highway but this proved impossible. This parking created serious problems and must be stopped at future functions. Suitable alternative routes to and from the site are not to standard for a large function.
- (d) Services Co-operation. Police maintained excellent liaison with management, St. John and Health Department personnel. Co-operation was appreciated and given freely.
- (e) Police Role. The Police Role was carried out in an excellent manner. Members conducted themselves superbly under very dirty and arduous conditions. Only very few incidents were reported and only two offenders were arrested for minor offences within the site. Generally, the behaviour of the crowd was excellent. A "low profile" and discreet approach was adopted. It proved effective and many compliments were received.

Conclusion and Recommendation.

2. From a policing point of view the function passed off with the minimum of trouble and proved successful. However, I would hesitate to say that this would always be so. My reasons are covered elsewhere in this report. I recommend that, before any similar function is held at this venue, management should be held to comply with stringent requirements by the authorities concerned, i.e. Health Department, Police Department, City of Keilor, Conty Roads Board and Chief Secretaries Department (Re Sunday Entertainments act).

3. Mr Hookan of the State Health Department was in attendance with other representatives from the City of Keilor and these people have expressed interest in attaining a copy of my report. With your permission, I will arrange for this to be done.


M. Bruce
Chief Inspector