

Small Live Music Venue Classification

Reference to the Building Code of Australia (BCA) in this Practice Note means Volume One and Volume Two of the National Construction Code Series.

1. PURPOSE

The purpose of this Practice Note is to provide guidance to practitioners and live music venue owners and operators on the classification of small live music venues in Victoria.

2. BACKGROUND

The *Building Amendment (Live Music) Regulations 2014* commenced on 29 October 2014.

The Building Regulations 2006 (the Regulations) have now been changed to recognise the provision of live music entertainment as an important part of the use of small Class 6 buildings such as hotels, restaurants, cafes and bars (small live music venue). Live music entertainment can now be provided in a Class 6 venue if it is a small live music venue without this type of entertainment necessarily triggering change of use requirements under regulation 1011(1) of the Regulations and reclassification to Class 9b (an assembly building used for entertainment which includes buildings used as nightclubs, discotheques and cinemas).

3. WHAT IS A SMALL LIVE MUSIC VENUE?

A small live music venue is a small Class 6 building, or part of a Class 6 building, in which live music entertainment is provided to the public.

a) Class 6 building

A Class 6 building is a building where goods and services are directly sold or supplied to the public. In the context of the provision of live music, these types of buildings include: restaurants, cafés and bistro/dining areas and bar areas of hotels. The definition of Class 6 is contained in clause A3.2 of Volume One of the BCA.

b) Small Live Music Venue

A small live music venue can be an entire Class 6 building or part of a Class 6 building. An entire Class 6 building is a small live music venue if it has a floor area no greater than 500m². The building itself can be single or double storey, but it cannot have a rise in storeys of more than two.

Part of a Class 6 building is a small live music venue if that part has a floor area no greater than 500m². This type of small live music venue is located in a larger host Class 6 building, such as a hotel. The Class 6 small live music venue cannot have a rise in storeys of more than two. There can only be one small live music venue per host Class 6 building.

If more than one entertainment area is proposed in a host Class 6 building, any additional entertainment areas may be subject to change of use requirements and reclassification to Class 9b.

4. WHAT ARE THE BENEFITS FOR SMALL LIVE MUSIC VENUES?

There may no longer be a need to comply with change of use requirements under regulation 1011(1) of the Regulations to provide live music entertainment in a Class 6 building if it is a small live music venue.

Previously, there was uncertainty about when the provision of live music entertainment in a Class 6 venue triggered regulation 1011(1) of the Regulations and the associated requirements for reclassification to Class 9b and modification of the venue, or part of the venue, to a Class 9b standard.

Buildings classifiable as Class 9b under paragraph (c) of the definition of assembly building contained in clause A1.1 of Volume One of the BCA are buildings where people may assemble for entertainment, such as a nightclub, bar area of a hotel or motel providing live entertainment or containing a dance floor, discotheques, dance halls and cinemas (**assembly buildings**).

However, the Regulations now modify the definition of assembly building to exclude a small live music venue. This means that a Class 6 building or part of a Class 6 building in which people assemble for entertainment purposes is a Class 6 building, or part of a Class 6 building, if it is a small live music venue.

This provides certainty for small live music venues in Victoria.

5. WHEN DOES THIS CHANGE COMMENCE?

The changes to the Regulations which provide for the classification of small live music venues commenced on 29 October 2014.

6. NIGHTCLUBS / DISCOTHEQUES

Under the changes to the Regulations a nightclub or discotheque will remain an assembly building which is a Class 9b building. This is because a nightclub / discotheque is a building, or part of a building, used predominantly for entertainment.

In contrast, a small live music venue is a Class 6 building, or part of a Class 6 building, which means the predominant use of that building, or part of a building, is the supply of goods and services (such as meals and drinks) direct to the public (as opposed to entertainment). The provision of live music entertainment is considered to complement this use, but is not the predominant use of the Class 6 building (or part of a building).

7. MORE INFORMATION

For more information on the classification of buildings see Part A3 of Volume One of the BCA, Part A3 of the Guide to Volume One of the BCA and the Victorian Building Authority's Practice Note 2014-64 'Classification of buildings'.

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