

General GE-08 | Small Live Music Venues

Audience

The audience/s for this Practice Note include/s:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Architects/ Designers | <input type="checkbox"/> Owner Builders |
| <input checked="" type="checkbox"/> Builders | <input type="checkbox"/> Plumbers |
| <input checked="" type="checkbox"/> Building Surveyors / Inspectors | <input checked="" type="checkbox"/> Real estate management agents |
| <input type="checkbox"/> Engineers | <input type="checkbox"/> Trades and Maintenance (inc. Electricians) |
| <input checked="" type="checkbox"/> Home Owners / Residential Tenants | |

Purpose

This Practice Note provides guidance on the building classification for small live music venues.

The content below provides guidance on:

- Classification of small live music venues

Abbreviations & Definitions

The definitions and acronyms set out below are for guidance only. They are not intended to vary those set out in the Building Act 1993, the Building Regulations 2018 or the National Construction Code.

- **Act** – Building Act 1993
- **Assembly building** – a building where people may assemble for the purpose of entertainment, recreation, sporting or educational purposes (as defined in the NCC)
- **Regulations** – Building Regulations 2018
- **Rise in storeys** – The greatest number of storeys calculated in accordance with NCC 2022 clause C2D3 of Volume One
- **Small live music venue** – means the whole or the only part of a Class 6 building that has a rise in storeys of no more than 2, in which live music entertainment is provided to the public and that has a floor area not greater than 500 m²

Classification of small live music venues

Regulation 237 of the Regulations allows Class 6 buildings that provide live music entertainment to avoid having to be classified as a Class 9b assembly building under Part A6 of the NCC. This allows small live music venues, to be exempt from certain NCC construction requirements.

A small live music venue, would still need to satisfy the general criteria under NCC Part A6G7 and be a building for the sale of goods direct to the public. Section 40 of the Act and regulation 229 however prohibits a person from using a building for a purpose other than what has been approved.



The benefit of the small live music venue variation is to allow it to remain a Class 6 building and not need to comply with the additional NCC requirements for a Class 9b building.

A small live music venue cannot be used to classify a Class 9b building such as a night club, bar area of a hotel or motel providing live entertainment or a dance floor. This is unless part of a Class 9b building can be classified as a Class 6, for which that part may provide live music entertainment without requiring change of use to a Class 9b.

For example, a restaurant area in a single storey hotel building, where live music entertainment is provided, may be solely a Class 6 part if it does not have a floor area greater than 500m². Otherwise, if the restaurant area is greater than 500m² then it does not meet the definition of a small live music venue and would require multiple classifications, for instance being a Class 6 and 9b building.

Related Documentation

- Building Act 1993
- Building Regulations 2018
- National Construction Code

Contact Us

If you have a technical enquiry, please email technicalenquiry@vba.vic.gov.au or call 1300 815 127.

Victorian Building Authority

Goods Shed North
733 Bourke Street
Docklands VIC 3008

www.vba.vic.gov.au

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