



ARTS VENUES & ASSEMBLY BUILDINGS

PROPOSAL FOR CHANGE, NATIONAL CONSTRUCTION CODE 2019

A proposal for the States and Territories to adopt South Australian and New South Wales variations to definitions within the National Construction Code, to better support arts and cultural land use as a nationally consistent approach in the NCC 2019.

September 2017



The Australian Building Codes Board
224 Bunda St,
Canberra ACT 2600

Prepared by the Live Music Office in partnership with Sydney Fringe Festival and Music NSW, this submission proposes that the New South Wales (NSW) and South Australian (SA) variations to the National Construction Code (NCC) definition of **Assembly Building**, associated NCC definitions of **Class 6**, as well as the SA **Small Arts Venue** variations be a matter for consideration to be adopted nationally by all states and territories in the NCC 2019.

Firstly, we advocate for a *Small Arts Venue* variation (or equivalent) to be introduced for NSW/nationally. Given that this is already in place in SA, we seek to ensure that as an industry we have a nationally consistent approach from the NCC where best practice state variations have been introduced and recognised.

This principle would then apply to the NSW and SA variations to 9b *Assembly Building* already in place, to be also applied as a consistent national definition.

We appreciate that there would need to be consideration of the detail, given the slight but important differences already in the NSW and SA *Assembly Building* definitions. We are aware that the Australian Building Codes Board (ABCB) is not responsible for state variations.

We also submit that serious consideration be given to increasing the capacity of the *Small Arts Venue* precedent from SA for wider application to expand from the current 300m² to 500m², acknowledging that many provisions for 300m² and 500m² are similar (P.14/15).

Extensive consultation and research has gone into the advocacy and references supporting this submission over a number years.

- The Live Music Office is funded by The Australia Council for the Arts and APRA AMCOS and provides industry support in better regulation and strategic planning policy development across the States and Territories. This includes working with state and local governments as well as the music sector and hospitality industry associations.
- Sydney Fringe Festival has a strong track record of advocacy, as well as providing detailed and extensive research from their work in activating non-traditional spaces and workshopping exempt and complying development for performance venues.
- MusicNSW as the state music industry organisation represents the NSW music industry through advocacy, funding and program support.

Advocacy and research undertaken by submitting parties to date on the NCC includes but is not limited to:

- 2004/09: Live Music Office Director John Wardle working closely with the NSW government through removing [NSW Place of Public Entertainment](#) (PoPE) laws and the associated introduction of the NSW Assembly Building BCA state variation.
- 2013/14: Live Music Office Director John Wardle chairs the City of Sydney Live Music and Performance Taskforce, and alongside fellow Taskforce member and Sydney Fringe Festival

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Director Kerri Glasscock, assisted a series of associated actions passed by Council in March 2014.

- 2014/16: Live Music Office Director John Wardle works closely with the SA Government in the delivery of the May 2016 state variation to *Assembly Building* definition, the introduction of the *Small Arts Venue* definition, and the SA [Development \(Low Impact Entertainment\) Variation Regulations 2017](#).
- 2015/16: Sydney Fringe festival Director Kerri Glasscock delivers the Sydney Fringe Festival: [Findings of the Pop-Up Theatre Pilot Project](#) and the [Sydney Fringe Off Broadway Report](#).
- 2016: Live Music Office and Music NSW providing associated Action 2.7 to the [NSW Night Time Economy Taskforce Action Plan](#): *Identify reforms to the planning regulations – through changes to Exempt and Complying Development (e.g. to encourage start-ups, creative and small business) and the Building Code of Australia (BCA).*

This proposal references supporting documents below contributed to or by submitting organisations as well as further associated references by other agencies later in the proposal.

- 2014: [City of Sydney Live Music and Performance Action Plan](#) (Live Music Office/Sydney Fringe Festival)
- 2014: [Off Broadway – Final Report of the Leichhardt and Marrickville Live Music Reference Group](#) (Sydney Fringe Festival/Live Music Office)
- 2015: [Live Music Venues and the Building Code of Australia Issues Paper](#) - Skip Consulting (Live Music Office)
- 2015: [Creative Spaces and the Built Environment Forum](#) (City of Sydney/University of Sydney /Sydney Fringe Festival/Live Music Office)
- 2015: [Low Risk Arts and Cultural Venues - NSW Case Study for National Application](#) - Design Collaborative (Commissioned by the Live Music Office, co-funded by City of Sydney)
- 2015: [Sydney Fringe Festival: Findings of the Pop-Up Theatre Pilot Project](#) (Sydney Fringe Festival)
- 2015: [Cool Little Capital – an action plan for Canberra’s live music sector](#) (Music ACT/Live Music Office)
- 2016: [Sydney Fringe Off Broadway Report](#) (Sydney Fringe Festival/Live Music Office)
- 2016: [December 2016 NSW Government response](#) to the Sydney Night-Time Economy Roundtable (Live Music Office/MusicNSW)

We commend this proposal to the Board, and appreciate your consideration of these important reforms for the arts and cultural development of Australia.

Many thanks

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PROPOSAL FOR CHANGE
NATIONAL CONSTRUCTION CODE SERIES

SUBJECT

A proposal for all states and territories to adopt the NSW and SA variations to definitions created to better support arts and cultural land use as a nationally consistent approach in the NCC2019.

BCA Volume One:

SA A1.1 – Definitions, Assembly Building, Small Arts Venue

SA A3.6 Classifications, Class 6 (e) Small Arts Venue

SA D2.21 (d)

SA D1.2 (h)

NSW A1.1 – Definitions, Assembly Building

NSW A3.2 Classifications

BCA Volume Two: N/A

Guide to Volume One: N/A

PCA Volume Three: N/A

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The Proposal

1. What is the proposal?

We propose that the NSW and SA variations to the NCC definition of **Assembly Building**, associated NCC definitions of **Class 6**, as well as the SA **Small Arts Venue** variations be a matter for consideration to be adopted nationally by all States and Territories in the NCC 2019.

For the record, the associated references that provide the existing precedents are provided below.

These comprise

- South Australia - Definitions of Assembly Building and Small Arts Venue
- South Australia - Classifications - Class 6 (e) Small Arts Venue
- South Australia - Section D Access and Egress Part D1 Provision For Escape
- South Australia - Part D2 Construction Of Exits SA D2.21 Operation of latch
- New South Wales – Definition of Assembly Building
- New South Wales - Classifications - Class 6

Associated References

1. SA A1.1 – Definitions, Assembly Building, Small arts venue

Assembly building means a building where people may assemble for—

- (a) civic, theatrical, social, political or religious purposes including a library, theatre, public hall or place of worship; or
- (b) educational purposes in a *school*, *early childhood centre*, preschool, or the like; or
- (c) entertainment, recreational or sporting purposes including—
 - (i) a discotheque ~~or nightclub or a bar area of a hotel or motel providing live entertainment or containing a dance floor~~; or
 - (ii) a cinema; or
 - (iii) a sports stadium, sporting club or other club; or transit purposes including a bus station, railway station, airport or ferry terminal.

Small arts venue means the whole or the only part of a building that has a rise in storeys of not more than 2—

- (a) in which cultural activities including live music, visual art displays, dancing, poetry and spoken word performances are provided to the public; and
- (b) the floor area used does not exceed 300m²; and
- (c) no pyrotechnics or theatrical smoke (smoke machines, hazers or the like) are used.

2. SA A3.6 Classifications, Class 6 (e) small arts venue

Class 6: a shop or other building for the sale of goods by retail or the supply of services direct to the public, including—

- (a) an eating room, café, restaurant, milk or soft-drink bar; or
- (b) a dining room, bar ~~area that is not an assembly building~~, shop or kiosk part of a hotel or motel; or
- (c) a hairdresser's or barber's shop, public laundry, or undertaker's establishment; or
- (d) market or sale room, showroom, or *service station*; or
- (e) a small arts venue.

3. SA D2.21 (d) Section D Access and Egress Part D1 Provision for Escape

- (d) The requirements of (a) do not apply in a *small arts venue* to a door in a *required exit* serving a *storey* or room accommodating more than 100 persons, determined in accordance with **D1.13**, in which case it must be readily openable—
 - (i) without a key from the side that faces a person seeking egress; and

- (ii) by a single hand pushing action on a single device such as a panic bar located between 900 mm and 1.2 m from the floor; and

where a two-leaf door is fitted, the provisions of (i) and (ii) need not apply to one door leaf if the appropriate requirements of **D1.6** are satisfied by the opening of that one leaf.

4. SA D1.2(h)

- (h) Any *small arts venue* that accommodates more than 50 persons, calculated under **D1.13**.

5. NSW A1.1 – Definitions, Assembly Building

Note that the New South Wales variation to the NCC definition of Assembly Building differs from the SA variation as it also deletes the reference to a discotheque or nightclub.

Assembly building means a building where people may assemble for—

- (a) civic, theatrical, social, political or religious purposes including a library, theatre, public hall or place of worship; or
- (b) educational purposes in a *school, early childhood centre*, preschool, or the like; or
- (c) entertainment, recreational or sporting purposes including—
 - (i) a discotheque, nightclub or a bar area of a hotel or motel providing live entertainment or containing a dance floor; or
 - (ii) a cinema; or
 - (iii) a sports stadium, sporting or other club; or
 - (iii) transit purposes including a bus station, railway station, airport or ferry terminal.

6. NSW A3.2 Classifications

Class 6: a shop or other building for the sale of goods by retail or the supply of services direct to the public, including—

- (a) an eating room, café, restaurant, milk or soft-drink bar; or
- (b) a dining room, bar ~~area that is not an assembly building~~, shop or kiosk part of a hotel or motel; or
- (c) a hairdresser's or barber's shop, public laundry, or undertaker's establishment; or
- (d) market or sale room, showroom, or *service station*.

The Current Problem

2. What problem is the proposal designed to solve?

This proposal identifies two distinct problems that could be addressed by reforming these provisions in the NCC for 2019.

1. The issues facing small to medium creative spaces and the application of definitions designed for larger premises with entertainment/assembly land use activity,
 - Lack of affordable appropriate small-medium sized cultural spaces for performance, rehearsal and multi-purpose use.
 - Restrictions on building use and land use that prohibits low-impact cultural use or performances in many areas that would otherwise suit that type of activity.
 - Lengthy and costly project timelines that prohibit temporary cultural activity or support sustainable grassroots business models.
2. The uncertainty and relevance of retaining identified clauses in the definition of Assembly Building pertaining to *(i) a discotheque, nightclub or a bar area of a hotel or motel providing live entertainment.*

The 2015 [Sydney Fringe Festival Findings Of The Pop-Up Theatre Pilot Project](#) Report delivered by Festival Director and CEO Kerri Glasscock speaks to the issues the sector faces in the introduction.

In many instances, managers of small and medium creative spaces, generally under 500m², have found focusing primarily on arts and cultural activity has drawn them into regulatory categories designed for much larger theatre and performance space. Whilst relatively defined regulatory pathways exist for small bars and retail spaces, regulation does not appear to scale effectively between small and large creative spaces.

Currently, creative spaces are often subject to definition within the planning system as 'Entertainment Venues' and, within the building system, as 'Assembly Buildings'. These categories have been designed for nightclubs, major halls and public buildings such as airports and schools. Whilst they can be adapted to apply to smaller creative spaces, this can only be done at a cost well beyond the limited resources of smaller creative enterprises, and with time-frames which make short term and temporary projects untenable.

Increasingly artists are presenting work that is breaking with tradition, is multi-genre, and pushing the boundaries of form and function. These contemporary works require a very different venue from the traditional theatres of old.

When weighing up the average inner city retail property to lease short term, with the producer retaining all box office earnings, a pop-up retail conversion becomes an economically viable option to hiring a traditional theatre space. Rental rates are generally cheaper than accessing one of the limited hireable spaces, time spans are more flexible, and the producer has greater control over ticketing, staffing and other conditions. This increased control over ticket pricing and expenses makes it possible to make a profit, rather than the investing most earnings back into hiring the venue.

If artists were able to legally and affordably use available, empty spaces the current venue crisis would literally cease to exist.

Sydney Fringe Festival Director and CEO Kerri Glasscock

Assembly Building Definitions

In a report prepared for the Live Music Office in 2015 by Fire Safety Engineer and Building Regulation Consultant Stephen Kip of Skip Consulting [Live Music Venues and the BCA Issues Paper](#), the problems created by the current system are investigated in detail.

This report looks at the differences in application of building regulations prescribed by the National Construction Code, Building Code of Australia Volume One (BCA) for Class 6 retail buildings (specifically hotel bar area) and Class 9b public buildings according to the Deemed-to-Satisfy Provisions of the Building Code of Australia.

In particular the report considers the implications of a Class 6 hotel bar area also having live music, which is typically considered as a Class 9b use in accordance with the BCA.

The NCC classification system determines that where *live music or a dance floor* is introduced to a Class 6 hotel, it becomes a Class 9b building.

There does not appear to be any strong evidence for this difference, particularly given improved technological changes to live music performance, and this current approach does not accurately reflect the risk (i.e. use, hazard or occupancy).

The current BCA (excluding State or Territory variations) specifies that a Class 6 building includes;

“a dining room, bar area that is not an assembly building, shop or kiosk part of a hotel or motel”.

Class 9b buildings include assembly buildings, which are defined as:

*“Assembly building means a building where people may assemble for—
(c) entertainment, recreational or sporting purposes including—
(i) a discotheque, nightclub or a bar area of a hotel or motel providing live entertainment or containing a dance floor; or*

By way of comparison, the assessment criteria intended in the BCA5 of; *“risk levels based on use, hazard and occupancy”*, would be very similar for these two BCA classifications. For example, the hazard from providing live entertainment or containing a dance floor is independent of occupancy (i.e. the same population with the same conditions of alcohol consumption should not necessarily be adversely effected by introduction of live entertainment or a dance floor).

Whilst the hazard may be different, modern technology has substantially reduced the hazards in live entertainment (electrical overload from lighting, amplification, pyro-technics etc.) and other uses such as electronic gaming (including poker machines) for example, in Class 6 buildings, can also change the hazard in a building.

Stephen Kip of Skip Consulting

3. What evidence exists to show there is a problem?

Numerous government reports and commitments to industry nationally have identified the operation of these provisions in the NCC with particular regard to being a barrier to small to medium sector arts and cultural land use.

This proposal directs the ABCB to the supporting documents produced by the Live Music Office, Sydney Fringe Festival and the City of Sydney that investigate the challenges created by the current system, including;

- 2015: [Live Music Venues and the Building Code of Australia Issues Paper](#) - Skip Consulting.
- 2015: [Low Risk Arts and Cultural Venues - NSW Case Study for National Application](#) - Design Collaborative.
- 2015: [Sydney Fringe Festival: Findings of the Pop-Up Theatre Pilot Project](#) (Sydney Fringe Festival).
- 2016: [New Ideas for Old Buildings Report – City of Sydney](#).
- 2016: [Sydney Fringe Off Broadway Report](#) (Sydney Fringe Festival / Live Music Office).

Additional primary sources:

New South Wales: The 2013 [NSW Government Creative Industries Action Plan](#) found that *Further, anecdotal reports suggest that current Building Code of Australia, health and safety and fire regulations provide unreasonable financially prohibitive restrictions for new venues to operate, particularly in Sydney. A deeper examination would assist in a better understanding these issues.*

New South Wales: In June 2015, the City of Sydney partnered with the University of Sydney and the Live Music Office to host a forum, Creative Spaces and the Built Environment. Including a presentation by Sydney Fringe Festival, the findings from this forum published in the [New Ideas for Old Buildings Report](#) present a strong case outlining the problem.

New South Wales: The [December 2016 NSW Government response](#) to the Sydney Night-Time Economy Roundtable supports report action Action 2.7 *Identify reforms to the planning regulations – through changes to Exempt and Complying Development (e.g. to encourage start-ups, creative and small business) and the Building Code of Australia (BCA).*

Queensland: Prepared for the Queensland Department of Premier and Cabinet, the 2 December 2016 Music Industry Working Group Outcomes Report under the section *Improving regulation: Planning and Permitting*, recognises the need to “Redefine what is a venue? And any barriers for building code, regarding compliance, DA”.

Western Australia: The WA Labor Policy | February 2017, [CREATIVE WA: SUPPORTING THE ARTS & CREATIVE INDUSTRIES](#) includes a commitment to: *Introduce a State Planning Policy on live performance to streamline the approvals process for live performance, ensuring consistency across local governments.*

Victoria: In a July 2017 letter to the Victorian Planning Minister by Dr Kate Shaw from the University of Melbourne School of Geography, also endorsed by Jon Perring from Fair Go 4 Live Music (FG4LM), Helen Marcou from Bakehouse Studios/Save Live Australia's Music (SLAM), and John Wardle from the National Live Music Office, a submission was made as follows:

We're concerned that musicians and artists are constrained in their practices by the Victorian planning system, along with broader community access to their performances and works. The current land use definitions, zone use tables, building class definitions and lack of integration between state planning systems and the Building Code of Australia (BCA), do not accommodate contemporary arts

and cultural land-use practices. This is resulting in arts initiatives either being prevented from starting up, or operating illegally.

South Australia: On 10 February 2016, the Premier announced an industry-led red tape reduction review aimed at supporting Adelaide's live music venues. The resulting '[Streamlining Live Music Regulation' 90-day Change@SA project](#) was established to investigate and implement reforms.

The case studies examined by the project team illustrate how this complex system has led to delays, burdensome conditions being placed on licensees through the planning and conciliation process and operators incurring significant costs for acoustic engineering reports, noise attenuation works and building code compliance. This complexity creates a disincentive to showcase music in an existing venue or to open a new live music venue.

The project team undertook a rigorous analysis of the legislative environment, conducted interviews, prepared case studies and formed an industry reference group that provided advice about live music related issues. There is ample scope to simplify the current regulatory system whilst still ensuring that common neighbour and community concerns about noise and safety are addressed.

The primary evidence that we also submit to the ABCB is that both NSW and SA have progressed state variations to address these issues. We suggest this is a more than reasonable indication that there remains a problem with the current NCC where these variations have not been introduced.

The Objective

4. How will the proposal solve the problem?

It can be strongly argued that the cost savings for business will enable all sorts of arts and cultural activations that previously have been unviable under the current system.

In the associated reference with regards to the *Small Arts Venue* definition, the [Streamlining Live Music Regulation 90-day project report from the South Australian Government](#) identifies that:

The move from Class 9b to a Class 6 classification for live music venues that meet the relevant criteria is a big win for regulation in South Australia for live music and significantly reduces the costs associated with starting a live music or small arts venue.

With regards to the Assembly Building Definition, a deal of uncertainty will be removed through delivering a nationally consistent approach that adopts the NSW and SA precedents.

The submitting organisations acknowledge that there is further work is still to be done with associated building/planning regulations with regards to Development Approvals process.

Once again South Australia is leading the way nationally with the January 2017 introduction of the SA [Development \(Low Impact Entertainment\) Variation Regulations 2017](#) - Where the Acts and activities that are not development were amended to include the carrying on of low impact entertainment on premises other than residential premises in accordance with the lawful use and occupation of the premises and in compliance with the Environment Protection Act 1993.

Small Arts Venues

In the proposal for change submitted by the South Australian South Australian Department of Planning, Transport and Infrastructure the following example was provided to demonstrate the anticipated effects of the *Small Arts Venue* variation.

Building use (scenario)	Before NCC 2016	NCC 2016 (from 1 May 2016)
A hotel or motel proposes to provide live music or spoken word performance, display some art, or show a locally produced movie in a corner of the lounge bar	A development application for change of building classification is required – from Class 6 to Class 9b	The building classification for the area used remains Class 6. No application for change of classification is required
Use of a room on the first floor of a shop building as a small multi-purpose arts venue, with potential for live music, comedy, dance performance, or art display. The area to be used is less than 300 m². There are two alternative exits available. The building has a ground floor and upper floor.	<p>The relevant approving authority determines that the proposed use is a Class 9b, being a 'nightclub, discotheque or the like', and therefore requires automatic shut-down of any air-handling system on the activation of smoke detectors, fire detection and alarm system or sprinkler system, plus</p> <ul style="list-style-type: none"> • automatic smoke exhaust system; or • automatic smoke-and-heat vents; or • a sprinkler system with fast response sprinkler heads 	<p>The proposed use is a small arts venue, as defined in the SA variations and additions to the NCC.</p> <p>Panic bars must be fitted to exit doors.</p>

We also submit that serious consideration be given to increasing the capacity of the *Small Arts Venue* precedent from SA for wider application to expand from the current 300m² to 500m², acknowledging that the provisions for 300m² and 500m² are similar.

The requirements of the Building Code for Class 6 and Class 9b buildings are generally comparable, except the requirements for smoke hazard management, which are more onerous for Class 9b.

Both Class 6 and 9B require Hydrants and Hose Reels for buildings over 500m² floor area.

See P.14/15 - Comparison of NCC requirements for Class 6 and Class 9b buildings - (SA DPTI, 2015).

5. What alternatives to the proposal (regulatory and non-regulatory) have been considered and why are they not recommended?

On 29 October 2014 the [Building Amendment \(Live Music\) Regulations 2014](#) were introduced to amend the Building Regulations 2006 in relation to the classification of small live music venues under the Building Code of Australia in the state of Victoria.

The intent of this amendment is to exempt primary purpose live music venues that are at or under 500msq and with a vertical travel of two floors or less from being assessed as a BCA class 9b assembly building for compliance.

BUILDING INTERIM REGULATIONS 2017 - REG 122

Small live music venue classification

(1) The BCA Volume One applies as if, in clause A1.1, for paragraph (c) (iii) of the definition of **Assembly building** there were substituted—

"(iii) a sports stadium, sporting or other club—
but not including a *small live music venue* ; or".

(2) The BCA Volume One applies as if, in clause A1.1, after the definition of **Sitework** there were inserted—

" **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—

(a) in which live music entertainment is provided to the public; and

(b) that has a floor area not greater than 500 m² .".

(3) The BCA Volume One applies as if, at the foot of the definition of **Class 6** in clause A3.2, there were inserted—

" Note

A Class 6 building or part of a Class 6 building in which people assemble for entertainment purposes remains a Class 6 building or part of a Class 6 building if it is a *small live music venue* —see the definition of **Assembly building**."

This approach is not supported for the following reasons.

Fire Safety Engineer and Building Regulation Consultant Stephen Kip identifies the following:

Victoria also introduced the Building Amendment (Live Music) Regulations 2014 (S.R. No. 197/2014) on 29 October 2014 which defines a 'small live music venue' as a Class 6 building of less than 500 m2. This amendment remains problematic as it does not apply to a Class 6 building that has a dance floor, but no live music, or is more than 500m2 in floor area, or more than 2 storeys in height. These uses would still be Class 9b under the classification system of the BCA, and classifying use based on floor areas, for example, is inconsistent in relation to use and hazard.

The proposal for change from the South Australian Department of Planning, Transport and Infrastructure for the 2016 *Small Arts Venue* variation made the following observation:

The Victorian definition of 'small live music venue' only applies to Class 6 buildings. The 'small arts and cultural venue' proposed could be in part of a building of any NCC classification – for example, it could be in part of a Class 5 office building, part of factory or warehouse (Class 8 or 7) or in part of a Class 9b assembly building. The relevant NCC provisions including multiple classification (clauses A3.3 and C1.3), parts with more than one classification (clause A3.4), and mixed types of construction (clause C1.4) would continue to apply.

The Impacts

6. Who will be affected by the proposal?

Primarily the arts and cultural sector, as well as the hospitality, tourism, and other industries with which they are associated.

7. In what way and to what extent will they be affected by the proposal?

The potential for red tape reduction and associated cost savings are real.

The proposed changes would create affordable and accessible small venues, and enable initiatives like creative hubs for community centres and local government, pop up events for festivals, encourage in-store performances in record stores, music schools and retail, supporting much greater participation and diversity in the performing arts.

James Lidis, Director of town planning consultants Design Collaborative, and author of the 2015 [Low Risk Arts and Cultural Venues - NSW Case Study for National Application](#) report speaks to the strong social and economic benefits for cities that a better approach to building and planning regulations would provide.

“Fine-grain arts and cultural facilities are a necessary ingredient to creating a dynamic and interesting human environment, and importantly, will fill a gap in the depressed retail lease market to occupy empty shopfronts and disused buildings on our high streets whilst simultaneously giving patrons and shoppers a new reason to visit these areas”.

If implemented, these changes would:

- Provide independent artists with affordable, appropriate space.
- Enable the ability to provide the community with greatly needed cultural space without huge investment in cultural infrastructure.
- Support the hospitality industry and existing venues in red tape reduction and cost saving.
- Enables cultural organisations to invest in infrastructure and assets to further their independence and sustainability.
- Provides cultural organisations the ability to create diverse, independent income streams.

These proposed changes are of national significance to our community, our economy, and encouraging cultural expression which defines our identity as Australians.

Again, there have been many reports now that have investigated these issues and provided the case for change.

Consultation

8. Who has been consulted and what are their views?

The submitting organisations have undertaken extensive consultation over some years —
This is reflected in the supporting documents and references.

A snapshot of these would include:

- APRA AMCOS
- Building owners
- Building policy agencies in VIC, SA , WA, ACT and NSW
- Building Surveyors / Town Planners
- City of Sydney
- Create NSW
- Fair Go 4 Live Music (FG4LM)
- Inner West Council
- Live music industry organisations
- Melbourne University
- Music ACT
- Music NSW
- QLD Department of Premier and Cabinet
- Queensland Australian Hotels Association
- Save Live Australia's Music (SLAM)
- The Northern Territory Music Industry Council
- The South Australian Government
- Venue operators
- Victorian Live Music Regulation Roundtable

The extensive industry reports and government commitments across state and local government nationally recognise the issues and are broadly supportive of addressing the situation.

The Australian Building Codes Board have an opportunity here to recognise the problem, acknowledge the state variations that have already been progressed, and deliver a nationally consistent approach to what is a universally recognised issue across the country.

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Comparison of NCC requirements for Class 6 and Class 9b buildings - (SA DPTI, 2015).

BCA section or part	Class 6 (hotel bar)	Class 9b (live entertainment)
Part B Structure	Importance level	Importance level
Part C1 Fire resistance and stability	Single storey – Type C 2 storey – Type C 3 storey – Type B 4 or more storeys – Type A	Single storey – Type C 2 storey – Type B 3 storey – Type A 4 or more storeys – Type A
Part C2 – Compartmentation and separation	Type C limited to 2,000m ² Type B limited to 3,500m ² Type A limited to 5,000m ²	Type C limited to 3,000m ² Type B limited to 5,500m ² Type A limited to 8,000m ²
Part C3 - Protection of openings	Same requirements	Same requirements
Part D1 – Provision for escape	At least one exit from each storey	At least one exit from each storey; and not less than 2 exits from each storey if the building has a rise in storeys of more than 6 or an effective height of more than 25m.
<ul style="list-style-type: none"> Number of exits required 		
<ul style="list-style-type: none"> Exit travel distances 	<p>No point on a floor must be more than 20m from an exit, or a point from which travel in different directions to two exits is available, in which case the max distance to one of those exits must not exceed 40m.</p> <p>The distance to a single exit serving a storey at the level of access to a road or open space may be increased to 30m.</p>	<p>No point on a floor must be more than 20m from an exit, or a point from which travel in different directions to two exits is available, in which case the max distance to one of those exits must not exceed 40m.</p> <p>The distance to one of the exits may be 60m if the path of travel from the room concerned to that exit is through another area which is a corridor or the like, the room is smoke separated and the travel distance is not more than 40m within the room and 20 m from the doorway to the exit.</p>
<ul style="list-style-type: none"> Distance between alternative exits 	Not less than 9m apart and not more than 60m apart	Not less than 9m apart and not more than 60m apart
<ul style="list-style-type: none"> Dimensions of exits and paths of travel to exits 	<p>Not less than 1m wide for 100 persons, plus 250mm for every 25 persons in excess of 100</p> <p>Not less than 2m aggregate width for 200 persons plus 500mm for every 60(with a ramp) or 75 persons (no ramp) in excess of 200</p>	<p>Not less than 1m wide for 100 persons, plus 250mm for every 25 persons in excess of 100</p> <p>Not less than 2m aggregate width for 200 persons plus 500mm for every 60(with a ramp) or 75 persons (no ramp) in excess of 200</p>
<ul style="list-style-type: none"> Number of persons accommodated 	Bar– 0.5m ² per person standing/dancing or 1m ² per person	Bar– 0.5m ² per person standing/dancing or 1m ² per person
<ul style="list-style-type: none"> Doorways and doors 	Can have a roller shutter or a tilt-up door in a required exit if the floor area is not more than 200m ²	Not allowed
<ul style="list-style-type: none"> Operation of latch 	Concession if floor area is under 200m ²	No concession
<ul style="list-style-type: none"> 		

BCA section or part	Class 6 (hotel bar)	Class 9b (live entertainment)
D2 – Construction of exits	Same requirements	Same requirements
D3 – Access for people with a disability	To and within all areas normally used by the occupants Exemption for providing lifts or ramps in buildings not more than 3 storeys and less than 200m ² floor area for each storey Concessions for some lifts and toilets and for single tenancies	To and within all areas normally used by the occupants Exemption for providing lifts or ramps in buildings not more than 3 storeys and less than 200m ² floor area for each storey Concessions for some lifts and toilets and for single tenancies
E1 – Fire fighting equipment		
• Hydrants and hose reels	Required for buildings over 500m ² floor area	Required for buildings over 500m ² floor area
• Sprinklers	Required if floor area is more than 3,500m ² in floor area or 21,000m ³ in volume (requires a fire control centre if building is more than 18,000m ² in floor area)	Required if floor area is more than 18,000m ² in floor area or 108,000m ³ in volume (also requires a fire control centre)
E2 – smoke hazard management	Air-handling system that recycles air from one compartment to another must operate as a smoke control system or have dampers that close automatically, and a smoke detection system must operate the zone smoke control	Air-handling system that recycles air from one compartment to another must operate as a smoke control system or have dampers that close automatically, and a smoke detection system must operate the zone smoke control
	More than 2 storeys, must have- <ul style="list-style-type: none"> • Pressurised exit; or • Zone smoke control; or • Automatic smoke detection and alarm; or • Sprinklers 	More than 2 storeys, must have- <ul style="list-style-type: none"> • Pressurised exits; or • Zone smoke control; or • Automatic smoke detection and alarm; or • Sprinklers
	Fire compartments more than 2000m ² must have- <ul style="list-style-type: none"> • Automatic smoke exhaust; or • Automatic smoke and heat vents; or If not more than 3,500m ² and single storey an automatic smoke detection and alarm system; or if more than 2 storeys a sprinkler system	Nightclubs and discotheques must have automatic shutdown of A/C on activation of smoke detectors and other fire systems. If not more than 3,500m ² must have- <ul style="list-style-type: none"> • Automatic smoke exhaust; or • Sprinklers If more than 3,500m ² in floor area, must have- <ul style="list-style-type: none"> • Sprinklers; or • Automatic smoke and heat vents;
F2 – Sanitary facilities	Numbers as per table for restaurants, cafes and bars	Numbers as per table for public halls, function rooms or the like
	For 200 patrons- Male – 2 WCs, 4 urinals and 2 HBs Females – 5 WCs and 3 HBs	For 200 patrons- Male – 2 WCs, 4 urinals and 2 HBs Females – 5 WCs and 3 HBs