

# VENUE FACT SHEET #2

## LIVE MUSIC REGULATION

### LIQUOR LICENSING AND LIVE MUSIC

A great deal of work at state and local government levels has been undertaken recently on regulatory reform to support live music.

Since December 2015, the requirement for venues with liquor licences to obtain separate consent for live music entertainment between 11am and midnight is no longer required. The effect of these reforms is that licensed venues no longer need to pay \$539 to obtain a separate consent. Consent is required after midnight.

Existing entertainment conditions that were imposed on a licence prior to December 2015 do not apply between 11am and midnight. This includes conditions previously imposed by the licensing authority as a result of conciliation following a noise complaint. Conditions imposed after December 2015 still apply. Conditions and approvals imposed on licensed premises by other Acts, such as approvals under the Development Act 1993, will not be affected by the changes and will continue to apply.

There is a current statewide 3am lockout.

### LOW IMPACT ENTERTAINMENT

On 27 January 2017, the Development (Low Impact Entertainment) Variation Regulations 2017 were made to ensure licensed and unlicensed music venues (coffee shops, restaurants, record stores etc) are now free to host "low risk" live

music without development approvals. This allows venues to skip lengthy, complicated approval processes. Low risk entertainment means live entertainment that is carried on inside a building, in accordance with the lawful use and occupation of the premises; and in compliance with the Environment Protection Act 1993, but does not include prescribed entertainment or entertainment that is to be carried on in connection with a proposed change of use of the premises.

### HOT TIP!

**Before introducing any new forms of entertainment or changing the style of your entertainment, licensees are encouraged to contact their local council to confirm that this would not be considered a 'change in use' of the premises for the purposes of the Development Act 1993.**

### LOCAL COUNCIL CASE MANAGEMENT

The City of Adelaide now provides a case management service for live music venues to provide a single point of contact and assistance to navigate the complex planning, building assessment and liquor licensing systems. This includes those venues who wish to apply to remove entertainment related conditions from their development approvals. This removal is provided free of charge.

Contact the Case Manager:

Madeleine Rains

T: 82037379

E: M.Rains@adelaidecitycouncil.com

The below tool can assist in finding the relevant contact details for other councils:

[lga.sa.gov.au/councilmaps](http://lga.sa.gov.au/councilmaps)

## **BUILDING CODE VARIATIONS**

Variations that have been operational since May 2016 now enable certain live music venues to be designated as Class 6 buildings (with fewer assessment hurdles) instead of as Class 9b buildings (involving significantly more compliance obligations). "Many venues used to be deemed as assembly spaces, which meant there were stringent access and toilet requirements," says Lisa Bishop, general manager at Music SA. In May 2016, a variation in the National Construction Code changed this definition for venues hosting "low risk" entertainment. In addition, a new "small venue" definition was introduced. Some venues can now meet building compliance affordably.

### ***The agent of change principle***

This ensures that, when a party creates a development-related change, that party must manage the impact. For example, where a developer proposes to build a house next to an existent live music venue, that developer would be responsible for sound proofing.

### ***Noise Complaints***

The Liquor Licensing Act 1997 currently allows for a complaint to be made to the Liquor and Gambling Commissioner if noise or activity relating to a licensed venue is unduly offensive, annoying, disturbing or inconvenient to a person who resides, works or worships in the vicinity of the licensed premises. If the complaint is made by an individual it must be authorized by at least 10 people who reside, work or worship within the vicinity of the licensed premises. Alternatively, the Commissioner can also approve a complaint if they are satisfied that the gravity of the complaint suggests serious non-compliance, and conditions may be imposed.

In technical terms the music noise assessment criteria determined by the Environmental Protection Authority informs all relevant planning documents, as well as licence conditions as follows:

*Music venues should be designed so that music noise from an entertainment venue*

*when assessed externally at the nearest existing noise sensitive location is less than 8 dB above the level of background noise in any octave band of the sound spectrum.*

### **HOT TIPS TO MANAGE NOISE!**

- Use a sound level meter to take regular measurements from reference points both inside and outside during live shows and keep records of these in a 'noise diary.'
- Educate staff on sound management principles, such as monitoring on-stage sound levels, managing patron noise and disposing of recycling quietly.
- Install perspex reflectors in outdoor areas to reflect crowd noise.
- Use a PA system that is appropriate for the size of the venue. Devices such as limiters, warning lights, compressors and cut-out switches can help sound levels. Try to keep speakers facing away and placed 4 metres from entrances and exits.
- Install high-density acoustic insulation in the walls, ceiling and floor surrounding live music areas, particularly external walls that are close to neighbours.
- Install sound absorbing materials such as heavy drapes and carpet in live music areas to reduce reverberation and minimise the build-up of sound.
- Install acoustic or 'air-lock' doors at the entry points to your live music area, venue or other outdoor areas to limit the break-out of sound.
- Regularly contact police and council, as well as residents' groups in your area. Include newsletters or meetings and advise when you plan to host live events.

### ***Signage***

- Signage is an aspect of a live show that is looked upon very well by patrons, legislators and regulators. Your liquor license must be on display. Exits, toilets, smoking & non-smoking areas and "please be quiet when leaving and do not disturb nearby residents" notices should be clearly signed.