



New South Wales

Environmental Planning and Assessment Amendment (Temporary Structures and Places of Public Entertainment) Regulation 2007

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

FRANK SARTOR, M.P.,
Minister for Planning

Explanatory note

The object of this Regulation is to amend the *Environmental Planning and Assessment Regulation 2000 (the Principal Regulation)* as a consequence of the commencement of certain provisions of the *Local Government and Environmental Planning and Assessment Amendment (Transfer of Functions) Act 2001* relating to the erection of temporary structures and the use of buildings as places of public entertainment. In particular, this Regulation:

- (a) excludes the demolition of a temporary structure from the definition of **development** for the purposes of the *Environmental Planning and Assessment Act 1979 (the Act)* and from the definition of **activity** for the purposes of Part 5 (Environmental assessment) of the Act, and
- (b) imposes conditions on the use of a building as a place of public entertainment or on the use of land as a drive-in theatre, and
- (c) ensures that fire protection and structural capacity are taken into account by a consent authority in determining a development application for the erection of a temporary structure or for the use of an existing building as a place of public entertainment, and
- (d) limits the duration for which any one complying development certificate may authorise the use of a licensed restaurant, hotel or nightclub as a place of public entertainment to 5 years (or a lesser period determined by the consent authority), and
- (e) prescribes development standards for the purposes of a complying development certificate for the use of a building as a place of public entertainment or the use of land as a drive-in theatre, and

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- (f) prescribes requirements that must be complied with before a final occupation certificate may be issued authorising the commencement of the use or occupation of a tent or marquee that is proposed to be used as a place of public entertainment and has a floor area greater than 100 square metres, and
- (g) exempts temporary structures (other than tents or marquees referred to in paragraph (f)) from any requirement for an occupation certificate before the structure's use or occupation, and
- (h) exempts temporary structures from the application of Part 9 (Fire safety and matters concerning the *Building Code of Australia*) of the Principal Regulation, apart from Division 8 (Miscellaneous) of that Part, and
- (i) requires certain documents and material to accompany a development application or application for a complying development certificate for the erection of a temporary structure or the use of a building as a place of public entertainment, and
- (j) makes provisions of a savings or transitional nature, and
- (k) makes other amendments of a consequential or minor nature.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including the definitions of **development** and **development standards** set out in section 4 (1), and sections 78A (1), 79C (1), 80A (11), 84A (3), 85 (5), 85A (1) and (6), 108 (1), 109 (4), 109H (5) and 109M (2) and paragraph (k) of the definition of **activity** set out in section 110 (1), and clause 1 (1) of Schedule 6 and section 157 (the general regulation-making power).

Environmental Planning and Assessment Amendment (Temporary Structures and Places of Public Entertainment) Regulation 2007

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Environmental Planning and Assessment Act 1979

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Temporary Structures and Places of Public Entertainment) Regulation 2007*.

2 Commencement

This Regulation commences on 26 October 2007.

3 Amendment of Environmental Planning and Assessment Regulation 2000

The *Environmental Planning and Assessment Regulation 2000* is amended as set out in Schedule 1.

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Omit the definition of *temporary building*. Insert instead:

temporary building means:

- (a) a temporary structure, or
- (b) a building that is stated to be a temporary building in a development consent or complying development certificate granted or issued in relation to its erection.

[2] Clause 3 (2) and (3)

Insert at the end of clause 3:

- (2) A reference in this Regulation to building work does not include a reference to any physical activity involved in the erection of a temporary structure.

Note. *Building work* is defined by the Act to mean any physical activity involved in the erection of a building.

- (3) A reference in this Regulation to an existing building does not include a reference to a temporary structure.

[3] Clause 3A

Insert after clause 3:

3A Exclusion from definition of “development”

For the purposes of the definition of *development* in section 4 (1) of the Act, the demolition of a temporary structure is prescribed as not being such development.

[4] Clause 7 Building Code of Australia

Insert after clause 7 (2):

- (3) For the purposes of the Act, this Regulation, an environmental planning instrument or any other instrument made under the Act, a reference in the *Building Code of Australia* to a place of public entertainment, public entertainment or a temporary structure is a reference to a place of public entertainment, public entertainment or a temporary structure, respectively, within the meaning of the Act.

[5] Clause 40

Omit the clause. Insert instead:

40 Object of Part

The object of this Part is to regulate existing uses, and the continuance of the use of buildings for the purposes of places of public entertainment, under sections 108 (1) and 109 (4) of the Act.

[6] Clause 46A

Insert after clause 46:

46A Conditions applying to existing uses and other lawful uses for the purposes of places of public entertainment

The following are subject to the conditions set out in Schedule 3A:

- (a) an existing use comprising the use of a building for the purpose of a place of public entertainment,
- (b) the continued use of a building for such a purpose pursuant to section 109 of the Act.

[7] Clause 93 Fire safety and other considerations

Insert “or the use of an existing building as a place of public entertainment,” after “existing building,” in clause 93 (1).

[8] Clause 93 (2) and (3)

Omit “new” wherever occurring.

[9] Clause 94 Consent authority may require buildings to be upgraded

Omit “comprising” from clause 94 (1). Insert instead “involving”.

[10] Clause 94 (1) (c)

Insert at the end of clause 94 (1) (b) (ii):

, or

- (c) the development also involves the use of the building as a place of public entertainment.

[11] Clause 94 (2A) and (2B)

Insert after clause 94 (2):

- (2A) If the development involves the use of a building as a place of public entertainment, consent must not be granted unless the

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consent authority is satisfied that the building complies (or will, when completed, comply) with such of the Category 3 fire safety provisions as are applicable to the building's proposed use as a place of public entertainment.

- (2B) Subclause (2A) does not apply to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4).

[12] Clause 94A

Insert after clause 94:

94A Fire safety and other considerations applying to erection of temporary structures

- (1) This clause applies to a development application for the erection of a temporary structure.
- (2) In determining a development application to which this clause applies, a consent authority is to take into consideration:
 - (a) whether the fire protection and structural capacity of the structure will be appropriate to the proposed use of the structure, and
 - (b) whether the ground or other surface on which the structure is to be erected will be sufficiently firm and level to sustain the structure while in use.
- (3) The matters prescribed by this clause are prescribed for the purposes of section 79C (1) (a) (iv) of the Act.

[13] Clauses 98C and 98D

Insert after clause 98B:

98C Conditions applying to use of buildings as places of public entertainment

- (1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2), (4) and (5) and Schedule 3A are prescribed as conditions of development consent (including a development consent granted and in force before the commencement of this clause) for development involving the use of a building as a place of public entertainment.

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- (2) If the building is a temporary structure, Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia* (as in force on the date on which the relevant development application is made) must be complied with.

Note. Under clause 98, the erection of a building that is not a temporary structure, including a building that is proposed to be used as a place of public entertainment, must comply with the requirements of the *Building Code of Australia*.

- (3) Subclause (2) does not apply to the extent to which an exemption is in force under clause 187, subject to the terms of any condition or requirement referred to in clause 187 (6).
- (4) If the building is a temporary structure comprising a tent or marquee, a sign must be displayed in a prominent position in the tent or marquee that specifies the following:
- (a) the maximum number of persons, as specified in the development consent, that are permitted in the tent or marquee,
 - (b) the name, address and telephone number of the council of the area in which the tent or marquee is located.
- (5) If the building is not a temporary structure, a sign must be displayed in a prominent position in the building that specifies the following:
- (a) the maximum number of persons, as specified in the development consent, that are permitted in any part of the building used as a place of public entertainment,
 - (b) the name, address and telephone number of the council of the area in which the building is located,
 - (c) the name and business telephone number of an owner or manager of the part of the building used as a place of public entertainment.

98D Condition applying to use of land as drive-in theatre

- (1) For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent for development involving the use of a land as a drive-in theatre that NSW Part H103 of Volume One of the *Building Code of Australia* (as in force on the date on which the relevant development application is made) must be complied with.
- (2) Subclause (1) does not apply to the extent to which an exemption is in force under clause 187, subject to the terms of any condition or requirement referred to in clause 187 (6).

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[14] Clause 131 Development standards for change of building use or use of existing building as place of public entertainment

Omit “comprising” from clause 131 (1). Insert instead “involving”.

[15] Clause 131 (1)

Insert “or the use of an existing building as a place of public entertainment” after “existing building”.

[16] Clause 131 (2)

Omit the subclause. Insert instead:

(2) The development standards applicable to such development include the following requirements:

(a) that, on completion of any building work, the fire protection, structural capacity, sanitary facilities and ventilation of the building will be appropriate to the proposed use,

(b) that, whether or not any building work is carried out, the building will comply with such of the Category 1 fire safety provisions as are applicable to the proposed use,

assuming that any building work is carried out in accordance with the plans and specifications to which the complying development certificate relates and any conditions to which the complying development certificate is subject.

[17] Clause 132 Development standards for building work involving the alteration, enlargement or extension of an existing building

Omit clause 132 (1). Insert instead:

(1) This clause applies to development for which a complying development certificate is sought involving the alteration, enlargement or extension of an existing building otherwise than in connection with:

(a) a change of building use of an existing building, or

(b) the use of an existing building as a place of public entertainment.

[18] Clause 133

Insert after clause 132:

133 Development standards for erection of temporary structure

- (1) This clause applies to development for which a complying development certificate is sought involving the erection of a temporary structure.
- (2) The development standards applicable to such development include the following requirements:
 - (a) the fire protection and structural capacity of the structure will, when the structure is erected, be appropriate to the proposed use of the structure,
 - (b) the ground or other surface on which the structure is to be erected will be sufficiently firm and level to sustain the structure while in use.

[19] Clause 134 Form of complying development certificate

Insert at the end of clause 134 (3) (b):

, or

- (c) the erection of a temporary structure.

[20] Clauses 136E, 136F and 136G

Insert after clause 136D:

136E Conditions applying to use of building as place of public entertainment

- (1) A complying development certificate for development involving the use of a building as a place of public entertainment must be issued subject to conditions requiring the applicable requirements of subclause (2) and Schedule 3A to be complied with.
- (2) If the building is a temporary structure, Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia* (as in force on the date the application for the relevant complying development certificate is made) must be complied with.

Note. Under clause 136A, the erection of a building (other than a temporary structure), including the erection of a building proposed to be used as a place of public entertainment, must comply with the requirements of the *Building Code of Australia*.

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- (3) Subclause (2) does not apply to the extent to which an exemption is in force under clause 187, subject to the terms of any condition or requirement referred to in clause 187 (6).

136F Duration of consent to use certain licensed premises as place of public entertainment

- (1) A complying development certificate for development involving the use of prescribed licensed premises as a place of public entertainment must be issued subject to the condition that the use may be carried out under the certificate only within the period of 5 years commencing on the date on which the certificate becomes effective and operative under section 86A of the Act or such lesser period commencing on that date as is determined by the certifying authority concerned.
- (2) In this clause:
prescribed licensed premises means premises to which any of the following relate:
- (a) a hotelier's licence, nightclub licence or restaurant licence under the *Liquor Act 1982*,
 - (b) a certificate of registration under the *Registered Clubs Act 1976*.

136G Drive-in theatres

- (1) A complying development certificate for development involving the use of land as a drive-in theatre must be issued subject to the condition that NSW Part H103 of Volume One of the *Building Code of Australia* (as in force on the date the application for the relevant complying development certificate is made) must be complied with.
- (2) Subclause (1) does not apply to the extent to which an exemption is in force under clause 187, subject to the terms of any condition or requirement referred to in clause 187 (6).

[21] Clause 153 Fire safety certificates: section 109H

Insert "or to a temporary structure" after "167" in clause 153 (3).

[22] Clause 154 Health, safety and other issues: section 109H

Insert after clause 154 (1):

- (1A) For the purposes of section 109H (5) (d) of the Act, a final occupation certificate authorising a person to commence occupation or use of a large tent or marquee that is proposed to

be used as a place of public entertainment must not be issued unless:

- (a) the certifying authority has inspected the tent or marquee, and
- (b) the building is suitable for its proposed use, including for the number of persons proposed to occupy or use the tent or marquee, and
- (c) the building complies with any applicable requirements of *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*.

[23] Clause 154 (2)

Omit the subclause. Insert instead:

- (2) In this clause:
large tent or marquee means a tent or marquee having a floor area greater than 100 square metres.
new building has the same meaning as it has in section 109H of the Act.

[24] Clause 155 Form of occupation certificate

Insert “or (4)” after “(3)” in clause 155 (2).

[25] Clause 155 (4)

Insert after clause 155 (3):

- (4) If the building is a temporary structure, subclauses (1) (e) (v) and (2) do not apply.

Note. The only circumstances in which the occupation or use of a temporary structure requires an occupation certificate are where the temporary structure is a tent or marquee having a floor area greater than 100 square metres and is proposed to be used as a place of public entertainment.

[26] Clause 156 Occupation and use of new buildings: section 109M (2)

Omit clause 156 (1). Insert instead:

- (1) For the purposes of section 109M (2) (c) of the Act, the following are prescribed circumstances:
 - (a) the fact that a building is a class 1a or class 10 building for which a construction certificate or complying development certificate was issued before 1 March 2004 (being the date on which Schedule 2.1 [32] to the

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Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003 commenced),

- (b) the fact that the building is a temporary structure (other than a tent or marquee having a floor area greater than 100 square metres that is proposed to be used as a place of public entertainment).

[27] **Clause 167 Application of Part**

Omit clause 167 (1). Insert instead:

- (1) This Part applies to all buildings except as follows:
 - (a) only Division 7A applies to class 1a and class 10 buildings,
 - (b) only Division 8 applies to temporary structures.

[28] **Clause 187 Modification and supplementation of Building Code of Australia standards**

Insert “or an application for a complying development certificate” after “application” where firstly occurring in clause 187 (1) (a).

[29] **Clause 187 (1) (a1), (a2) and (a3)**

Insert after clause 187 (1) (a):

- (a1) a development application or an application for a complying development certificate for the use of an existing building as a place of public entertainment, or
- (a2) a development application or an application for a complying development certificate for the use of a temporary structure as a place of public entertainment, or
- (a3) a development application or an application for a complying development certificate for the use of land as a drive-in theatre, or

[30] **Clause 187 (1) (b)**

Insert “or the use of an existing building as a place of public entertainment referred to in paragraph (a1)” after “paragraph (a)”.

[31] **Clause 187 (2) (a) and (b) and (6) (a)**

Omit “by clause 98 or 133” wherever occurring.

Insert instead “by or under clause 98, 98C, 98D, 136A, 136E or 136G”.

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- [32] Clause 187 (2) (a) (ia) and (ib)**
Insert after clause 187 (2) (a) (i):
- (ia) the building or temporary structure proposed to be used as a place of public entertainment, or
 - (ib) the drive-in theatre, or
- [33] Clause 187 (2), note**
Omit “or 133” wherever occurring.
Insert instead “, 98C, 98D, 136A, 136E or 136G”.
- [34] Clause 187 (3) and (4)**
Omit “by clause 98 or 133” wherever occurring.
Insert instead “by or under clause 98 or 136A”.
- [35] Clause 187 (4) and (12)**
Omit “a development application referred to in subclause (1) (a)” wherever occurring.
Insert instead “an application referred to in subclause (1) (a), (a1), (a2) or (a3)”.
- [36] Clause 187 (12) (a)**
Insert “, temporary structure or drive-in theatre” after “work”.
- [37] Clause 187 (14)**
Insert “, a temporary structure or a drive-in theatre” after “work”.
- [38] Clause 188 Exemption from fire safety standards**
Insert “or an application for a complying development certificate” after “application” where firstly occurring in clause 188 (1) (a).
- [39] Clause 188 (1) (a1)**
Insert after clause 188 (1) (a):
- (a1) a development application or an application for a complying development certificate for the use of an existing building as a place of public entertainment, or
- [40] Clause 188 (1) (b)**
Insert “or the use of an existing building as a place of public entertainment referred to in paragraph (a1)” after “paragraph (a)”.

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[41] Clause 188 (1), note

Omit “133” wherever occurring. Insert instead “136A”.

[42] Clause 188 (2) and (4)

Omit “133” wherever occurring. Insert instead “136A”.

[43] Clause 188 (5)

Omit “a development application referred to in subclause (1) (a)”.

Insert instead “an application referred to in subclause (1) (a) or (a1)”.

[44] Part 14, Division 1A

Insert after the heading to Part 14:

Division 1A Preliminary

227AA Demolition of temporary structure not “activity”

Pursuant to paragraph (k) of the definition of *activity* in section 110 (1) of the Act, the demolition of a temporary structure is prescribed not to be such an activity for the purposes of that definition.

[45] Part 16A

Insert after clause 268:

Part 16A Provisions arising from commencement of Local Government and Environmental Planning and Assessment Amendment (Transfer of Functions) Act 2001

268A Construction certificates, principal certifying authorities, principal contractors and notifications

- (1) Except as otherwise provided by this clause, sections 81A (2), 86 (1) and 109H (3) (b) and (5) (b) of the Act do not apply to the erection of a temporary structure in accordance with a development consent that is granted on or after 26 October 2007 and before 26 October 2009.
- (2) Sections 81A (2) (b) (i), (b1) (i) and (c) and 86 (1) (a) (i), (a1) (i) and (b) of the Act apply in relation to the erection of a tent or marquee that has a floor area greater than 100 square metres and is proposed to be used as a place of public entertainment.

268B Conditions applying under clause 40 or 41 of Schedule 6 to Act

- (1) A prescribed activity that is subject to conditions by the operation of clause 40 or 41 of Schedule 6 to the Act ceases to be subject to any conditions by the operation of that clause from the date on which any development consent or complying development certificate that authorises the prescribed activity becomes effective and operates under section 83 or 86A of the Act.
- (2) In this clause:
prescribed activity means:
 - (a) the erection of a temporary structure, or
 - (b) the use of a building as a place of public entertainment.

[46] Schedule 1 Forms

Insert “and other than a temporary structure” after “to a dwelling-house” wherever occurring in clauses 2 (1) (i) and 4 (1) (c).

[47] Schedule 1, clause 2 (1) (n) and (o)

Insert after clause 2 (1) (m):

- (n) if the development involves the erection of a temporary structure, the following documents:
 - (i) documentation that specifies the live and dead loads the temporary structure is designed to meet,
 - (ii) a list of any proposed fire safety measures to be provided in connection with the use of the temporary structure,
 - (iii) in the case of a temporary structure proposed to be used as a place of public entertainment—a statement as to how the performance requirements of Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia* are to be complied with (if an alternative solution, to meet the performance requirements, is to be used),
 - (iv) documentation describing any accredited building product or system sought to be relied on for the purposes of section 79C (4) of the Act,
 - (v) copies of any compliance certificates to be relied on,
- (o) in the case of development involving the use of a building as a place of public entertainment—a statement that specifies the maximum number of persons proposed to occupy, at any one time while entertainment is being

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provided, any part of the building used as a place of public entertainment.

[48] Schedule 1, clauses 2 (3) (c) and 4 (3) (c)

Insert “(other than temporary structures)” after “buildings” wherever occurring.

[49] Schedule 1, clause 2 (3) (c1)

Insert after clause 2 (3) (c):

- (c1) elevations and sections showing heights of any proposed temporary structures and the materials of which any such structures are proposed to be made (using the abbreviations set out in clause 7 of this Schedule),

[50] Schedule 1, clause 4 (1) (i) and (j)

Insert after clause 4 (1) (h):

- (i) if the development involves the erection of a temporary structure, the following documents:
 - (i) documentation that specifies the live and dead loads the temporary structure is designed to meet,
 - (ii) a list of any proposed fire safety measures to be provided in connection with the use of the temporary structure,
 - (iii) in the case of a temporary structure proposed to be used as a place of public entertainment—a statement as to how the performance requirements of Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia* are to be complied with (if an alternative solution, to meet the performance requirements, is to be used),
 - (iv) documentation describing any accredited building product or system sought to be relied on for the purposes of section 85A (4) of the Act,
 - (v) copies of any compliance certificates to be relied on,
- (j) in the case of development involving the use of a building as a place of public entertainment—a statement that specifies the maximum number of persons proposed to occupy, at any one time while entertainment is being provided, any part of the building used as a place of public entertainment.

[51] Schedule 1, clause 4 (3) (c1)

Insert after clause 4 (3) (c):

- (c1) elevations and sections showing heights of any proposed temporary structures and the materials of which any such structures are proposed to be made (using the abbreviations set out in clause 7 of this Schedule),

[52] Schedule 1, clause 4 (5) (d)

Omit the paragraph. Insert instead:

- (d) a description of any accredited building product or system sought to be relied on for the purposes of section 85A (4) of the Act,

[53] Schedule 1, clause 6 (3) (d)

Omit the paragraph. Insert instead:

- (d) a description of any accredited building product or system sought to be relied on for the purposes of section 79C (4) of the Act,

[54] Schedule 3A

Insert after Schedule 3:

Schedule 3A Places of public entertainment

(Clauses 46A, 98C and 136E)

1 Dangerous entertainment

- (1) Public entertainment must not involve:
 - (a) the discharge of ammunition from a firearm, or
 - (b) the use of any material or thing giving off a level of heat or toxicity that poses a threat of harm to patrons or members of the audience, or
 - (c) the use of fireworks unless the use of the fireworks is in accordance with a licence granted under the *Explosives Act 2003*, or
 - (d) the use of a sharp implement in a manner that poses a threat of harm to patrons or members of the audience, or
 - (e) the screening of a nitrate film.

- (2) In this clause:
fireworks does not include fireworks that are permitted to be used without a licence under the *Explosives Act 2003*.

2 Stage management

During a stage performance, there must be at least one suitably trained person in attendance in the stage area at all times for the purpose of operating, whenever necessary, any proscenium safety curtain, drencher system and smoke exhaust system.

3 Proscenium safety curtains

If a proscenium safety curtain is installed at a place of public entertainment:

- (a) there must be no obstruction to the opening or closing of the safety curtain, and
- (b) the safety curtain must be operable at all times.

4 Projection suites

- (1) Where there is a projection suite at a place of public entertainment, the requirements of NSW Part H101.17 in Volume One of the *Building Code of Australia* must be complied with.
- (2) When a film is being screened at a place of public entertainment, at least one person trained in the operation of the projectors being used and in the use of the fire fighting equipment provided in the room where the projectors are installed (the *projection room*) must be in attendance at the place of public entertainment.
- (3) If the projection room is not fitted with automatic fire suppression equipment and a smoke detection system, in accordance with the *Building Code of Australia*, the person required by subclause (2) to be in attendance must be in the projection suite in which the projection room is located during the screening of a film.
- (4) No member of the public is to be present in the projection suite during the screening of a film.

5 Marking of aisles and cross-overs

If it is intended that the audience at a performance be seated on the floor, aisles and cross-overs are to be clearly defined on the floor.

6 Seating in rows

Seating set out in rows must comply with relevant provisions set out in:

- (a) in the case of seating in a temporary structure—NSW Part H102.10 in Volume One of the *Building Code of Australia*, and
- (b) in the case of seating set out in any other kind of building—NSW Part H101.11 in Volume One of the *Building Code of Australia*.

7 Seating in paths of travel to designated exit

The audience at a performance must not be seated, and seating must not be located, in aisles or other paths of travel to a designated exit.

8 Aisle lights to be on

Aisle lights referred to in NSW Part H101.20.3 in Volume One of the *Building Code of Australia* must be on when the public is in attendance and the main auditorium lighting is dimmed or off.

9 Locks

Any key-operated fastening fitted to an exit door or gate used by the public as a main entrance must be arranged so that, whenever the public is in attendance, the tongue or bolt is locked in the retracted position to enable the door or gate to yield to pressure from within.

10 Rope barriers

If a rope barrier is used across or at the side of an aisle:

- (a) the barrier must be secured with spring clips that become unfastened when pressure is exerted on the rope, and
- (b) the barrier must have a centre fastening only, and
- (c) the barrier must not trail on the floor when released.

11 Emergency evacuation plans

- (1) An emergency evacuation plan must be prepared, maintained and implemented for any building (other than a temporary structure) used as a place of public entertainment.

- (2) An *emergency evacuation plan* is a plan that specifies the following:
- (a) the location of all exits, and fire protection and safety equipment, for any part of the building used as a place of public entertainment,
 - (b) the number of any fire safety officers that are to be present during performances,
 - (c) how the audience are to be evacuated from the building in the event of a fire or other emergency.
- (3) Any fire safety officers appointed to be present during performances must have appropriate training in evacuating persons from the building in the event of a fire or other emergency.

12 Council may require fire safety information

The owner or occupier of a building that is used as a place of public entertainment must, if required to do so at any time by the council of the area in which the building is located, furnish to the council a certificate from a registered testing authority (within the meaning of the *Building Code of Australia*) or other approved testing authority, as to the early fire hazard or flammability properties of the finish of a wall, ceiling or floor, or of a curtain, blind or cinematograph screen.

13 Upholstery, curtains or blinds

Any upholstery, curtains or blinds must, on installation (including replacement), comply with any relevant specifications set out in the following:

- (a) in the case of any upholstery, curtains or blinds installed in a temporary structure—NSW Part H102.7 in Volume One of the *Building Code of Australia*,
- (b) in the case of any upholstery, curtains or blinds installed in any other kind of building—Specification C1.10a and NSW Specification C1.10 in Volume One of the *Building Code of Australia*.