

Attachment C

**Draft Technical Guidelines
Small Scale Cultural Activities in Spaces
Less Than 500 square metres**

Draft Technical Guidelines

Small scale cultural activities occurring in spaces less than 500 square metres

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Purpose

This guidance contains advice for cultural producers about the type of buildings or spaces that may be used and adapted for small scale cultural activities. The *Sydney Development Control Plan 2012* (the DCP) defines small scale cultural activities as:

- a) live entertainment, (being an event at which one or more persons are engaged to play or perform live or pre-recorded music, or a performance at which at least some of the performers are present in person), including the presentation or rehearsal of music, film, theatre, spoken word, comedy or dance, or
- b) the production or an event in association with an exhibition of art, craft, design, media, image or immersive technology, or
- c) teaching or discussion related to (a) or (b).

Council may consider these guidelines when determining whether an application for small scale cultural activities in spaces less than 500sqm needs building or fire safety upgrades.

This guidance is a matter for consideration in the discharge of Council's responsibilities under clauses 93 and 94 of the Environmental Planning and Assessment Regulation 2000. Clause 93 requires Council to take into consideration whether the fire protection and structural capacity of an existing building will be appropriate where a new use is proposed with no buildings works. Clause 94 requires the Council in determining a development application to take into consideration whether it would be appropriate to require the existing building to be brought into total or partial conformity with the *National Construction Code* (the NCC).

Applications for cultural activities proposed in existing Class 5, 6 or 8 buildings may trigger fire and building compliance requirements that are more comparable to class 9b assembly buildings. This can result in building upgrades that may not be necessary because the cultural activity is proposed in a building which already has an adequate degree of construction to mitigate fire, safety and amenity issues.

This guidance includes a checklist of requirements, which provide an alternative performance solution to the standard requirements in the NCC. It provides advice for cultural producers about how they can reduce the costs of adapting buildings while maintaining compliance with fire safety and building compliance requirements under the NCC and the *Environmental and Planning and Assessment Act 1979*.

Application of the guidance

The checklist may assist operators in choosing the right types of buildings and ensure that minimal, if any works are required to make them suitable for the proposed activity. This checklist may be applied to small scale cultural activities which require development consent because they are:

- 1. not considered to be ancillary or related to the primary use of a premises and
- 2. do not satisfy the criteria for exempt development in Schedule 2 of the *Sydney Local Environmental Plan 2012* and are otherwise not a form of complying development

This checklist does not apply to cultural spaces located in basements which exceed 200m². Applicants seeking to use basements more than 200m² in size should refer directly to the provisions of the *National Construction Code*.

The following steps summarise how this guidance may be applied when a development application is proposed for a cultural activity.

Step 1 – DA Assessment

- A development application (DA) is submitted to the City which proposes fire safety and building compliance in accordance with the specifications in the checklist
- City officers assess the DA proposal to ensure that the proposals are in accordance with the checklist, and address any other matters required under the National Construction Code (NCC).

Step 2 – Development Consent granted

- If/when a DA for a cultural activity is approved, a condition may be applied to the development consent which requires that the activity comply with the checklist. Alternatively a standard condition may be applied requiring compliance with the NCC and any associated alternative solutions.

Step 3 – Certification

- The checklist may be applied when the applicant applies for their construction certificate (if there are works) or an occupation certificate. A Council or private certifier will be responsible for deciding whether a proposal complies with the NCC and whether to apply this advice.
- Depending on the condition imposed on the development consent, the certifier can choose to:
 - (1) apply the Council adopted guidelines for spaces less than 500sqm, particularly if the condition on consent requires them to, or
 - (2) apply a deemed to satisfy solution to the applicable construction or occupation certificate, or
 - (3) apply for a performance solution from a suitably qualified person.
- The certifier applies the checklist in the technical guideline and if all relevant matters are addressed, the Certifier may issue the construction or occupation certificate without an upgrade required under class 9b of the NCC.

There may be situations where the checklist may not be appropriate due to unacceptable levels of fire risk. The checklist provides guidance only and will not override the Council's or Certifier's statutory obligations to ensure fire protection and structural capacity in relation to the individual circumstances of each application. These circumstances will be identified to the applicant during the assessment of a DA.

The checklist is not the only mechanism that is available to the applicant. As an alternative to the checklist, the applicant may choose to:

- Apply a Deemed to Satisfy solution to the applicable construction / occupation certificate; or
- Apply for a performance solution from a suitable qualified person.

Checklist

The advice in this checklist has been adapted from a 'Creative Spaces Fire Safety Strategy' prepared by Arup in January 2020. This strategy proposes a series of fire safety measures that shall be implemented when adapting a building for a cultural activity, in order to achieve a level of safety that is comparable to the class 5, 6 or 8 uses of the base buildings.

To be with consistent with the Fire Safety Strategy for Cultural Spaces, the proposed space must meet all of the following requirements in the checklist below.

Requirement Number	Requirement	✓ Supporting Information
Venue geometry		
1	Cultural space shall be located on Basement Level 1, Ground Level or Level 1. <ul style="list-style-type: none">- If located on basement level, the cultural space shall be less than 200m².- If located on Ground Level or Level 1, the cultural space shall be less than 500m².	<i>This information will be verified by a survey of the premises submitted with the development application.</i>
2	A void or open stair within the venue connects Basement Level 1 to Ground Level or Ground Level to Level 1 only.	<i>This information can be requested from the building manager; this information will be listed on the building's architectural drawings.</i>
3	Travel distances to an exit are limited to: <ul style="list-style-type: none">- 30m single direction at Ground Floor;- 20m single direction at Basement Level 1;- 20m single direction at Level 1;- 40m overall travel at Basement Level 1, Ground Floor or Level 1.	<i>This information can be requested from the building manager; this information will be listed on the building's architectural drawings.</i>
Fire Safety Systems		
4	The venue shall have either (or both) of the following systems installed and operational: <ul style="list-style-type: none">- Detection and alarm system to AS1668.1- Sprinkler system to AS2118.1	<i>This information can be requested from the building manager; this information will be listed on the building's Fire Safety Schedule.</i>
5	The venue shall have extinguishers provided and positioned in accordance with AS2441-2001.	<i>This information can be requested from the building manager; this information will</i>

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		<p>be listed on the building's Fire Safety Schedule.</p> <p>Alternatively, this is simple to install for the change in use.</p>																		
Event use																				
6	Any proposed stage (floor and raised) shall be <50m ² in floor area																			
7	There will be no sleeping use within the cultural space compartment.																			
8	Occupant numbers permitted within the space are limited based on the available exit capacity as follows:	<p>The available exit width information can be requested from the building manager; this information will be listed on the building's architectural drawings. Alternatively, the exit width can be measured on site.</p> <p>As an example, if a theatre production was intended for a cultural space and 175 occupants are proposed, the chosen venue would require 2 exits, each a minimum of 1m wide.</p>																		
	<table> <tr> <th>Maximum number of occupants</th><th>Minimum aggregate exit width (door openings are permitted to be 250mm less)</th><th>Notes</th></tr> <tr> <td>Up to 50</td><td>1m</td><td>1 exit permitted</td></tr> <tr> <td>51 - 100</td><td>1m</td><td>Minimum 2 exits</td></tr> <tr> <td>101 - 150</td><td>1.5m</td><td>Minimum 2 exits</td></tr> <tr> <td>151 – 200</td><td>2m</td><td>Minimum 2 exits</td></tr> <tr> <td>201 - 250</td><td>2.5m</td><td>Minimum 2 exits</td></tr> </table>	Maximum number of occupants	Minimum aggregate exit width (door openings are permitted to be 250mm less)	Notes	Up to 50	1m	1 exit permitted	51 - 100	1m	Minimum 2 exits	101 - 150	1.5m	Minimum 2 exits	151 – 200	2m	Minimum 2 exits	201 - 250	2.5m	Minimum 2 exits	
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Non-addressable fire hazards																				
9	The space shall not be defined as an entertainment venue (cinema, theatre, concert hall, or an indoor sports stadium) or used as a discotheque or nightclub.	<p>This information can be requested from the building manager; if the building manager is unaware, a Certifier will be able to provide this information.</p> <p>This information can be checked under the NCC (https://ncc.abcb.gov.au/) or checked with Council before</p>																		

Requirement Number	Requirement	✓	Supporting Information
			<i>submitting for a DA or checked with a Certifier.</i>
10	Pyrotechnics or naked flames will not be used.		
11	Detectors and alarms will not be isolated.		

Sanitary facility provision

- 12 (1) For the purpose of this checklist, 'sanitary facilities' mean a room with toilet(s) and a sink. Sanitary facilities are to be made available to patrons for the duration of the cultural activity. This may include the use of:
- (a) sanitary facilities usually only allocated for staff use, or
 - (b) any sanitary facilities that are accessed on a shared basis by patrons/staff within or associated with a building in close proximity,
- The venue operator must provide information and signage at the venue identifying the location of the sanitary facilities.
- (2) If sanitary facility provision described in (1) cannot be achieved, the venue operator must obtain agreement for shared access to sanitary facilities located in a neighbouring food and drink premises for the duration of the cultural activity. The shared facilities must be located within a reasonable walking distance of the venue. Agreement for shared access must be included and verified in a Plan of Management. The venue operator must provide information and signage at the venue identifying the location of the sanitary facilities.
- (3) If both (1) and (2) cannot be achieved then the level of sanitary provision will be determined by applying Tables 5.3.1 '*Provision of Sanitary Facilities*' and 5.3.2 '*Adjusting the number of required number of sanitary facilities for events*' of the Australian Building Codes Board Temporary Structures guidance.

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Access provisions

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| 13 | Equitable access to the cultural space must be demonstrated in a Plan of Management. The Plan of Management must identify facilities and areas that are inaccessible and propose solutions which provide access without imposing special terms or conditions. For example, the Plan of Management may require a temporary ramp to provide an accessible entrance. Or if fully accessible sanitary facilities cannot be provided in the venue, the Plan of Management must identify the location of the nearest facilities within an accessible and reasonable distance of the venue which patrons can use for the duration of the cultural activity. | | |
|----|--|--|--|

It is the user's responsibility to implement the following fire safety requirements:

1. A Fire Warden shall be assigned for the event who shall be present at all times. Training shall be provided to the fire warden in accordance with AS3745-2010. In addition to the requirements of the AS3745-2010 training, the fire warden shall undertake the following actions:
 - a. Monitor and enforce the required material lining and ignition source provisions;
 - b. Check all escape routes and exits are kept clear and are immediately and easily available at all times;
 - c. Visually detect signs of fire and smoke;
 - d. Manually activate (where possible) the fire alarm in a fire event;
 - e. Verbally initiate an early evacuation in a fire event;
 - f. Provide clear direction to occupants for the need to evacuate immediately;
 - g. Assist occupants to the nearest exit;
 - h. Provide first-attack fire-fighting measures if necessary.
 - i. The fire load shall be strictly controlled within the space, to ensure that there is no accumulation of rubbish or large storage of combustible material.
2. Occupants within the cultural space shall be awake at all times; no sleeping occupancy shall be permitted at any time.
3. Exits and escape routes shall be maintained as follows:
 - a. All exit doors are to remain unlocked at all times that the venue is in use.
 - b. Egress paths are to remain clear and maintained free from obstructions

- c. The exit capacity, number of exits and the maximum occupant numbers permitted shall be managed, monitored and enforced in accordance with the following table:

Maximum number of occupants	Minimum aggregate exit width (door openings are permitted to be 250mm less)	Notes
Up to 50	1m	1 exit permitted
51 - 100	1m	Minimum 2 exits
101 - 150	1.5m	Minimum 2 exits
151 – 200	2m	Minimum 2 exits
201 - 250	2.5m	Minimum 2 exits

4. Remove combustible material as follows:

- No accumulation of rubbish or large storage of combustible material is permitted within the space when occupied.
- Combustible temporary linings shall be removed or covered with non-combustible linings. Any polystyrene panels and foams shall be removed.
- Unless they are non-combustible, new linings, curtains, drapes, textile hanging, decorative textile fabrics, scenery or props shall not be positioned above or adjacent to escape routes or exits.
- Any combustible items such as general display storage, materials and decorations shall not be positioned adjacent to escape routes and exits.
- Any temporary items or equipment which pose a risk of ignition (e.g. lighting, electrical goods, fans) shall be inspected by the fire warden to check for signs of damage and overloading of electrical sockets. Any equipment generating heat shall be positioned away from combustible materials/linings.

5. If using a roller shutter or tilt up door as an exit, the following fire safety requirements (in addition to those listed above) shall be implemented:

- The exit shall be held in the open position at all times when a 'cultural space' event is happening. The mechanism for maintaining the door open shall be secure, tamper proof and continue to remain open on power failure (if electrically operated);
- NCC compliant exit signage above the roller shutter or tilt-up door shall be provided.